

Of the Right of
TITHE S.

A
*Divinity Determination in the Publike
Divinity Schools of the University*
OF
CAMBRIDG.

By the Right Reverend Father in GOD
Lancelot Andrews:
Late Lord Bishop of WINCHESTER.
When he proceeded Doctor in *Divinity*.

Translated for the benefit of the Publike.

1 COR. 9. 13.

Do ye not know that they which minister about holy things, live of the things of the Temple? And they which wait at the Altar, are partakers with the Altar?

Vers. 14. Even so hath the Lord ordained, that they which Preach the Gospel, should live of the Gospel.

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TITHES

Ought not to be abrogated.

THat such anciently were the manners of men, and such the times, wherein the condition of the Priesthood was sumptuous, and most flourishing, not onely with those truly excellent Ornaments of Learning, but also with those of Riches and Preferments, History the witness of Truth is a sufficient evidence: Among the Heathen, Theophrastus is my Author, That in stead of the Tithes (wherein notwithstanding we take our selves to be very bountiful) the thirds were paid. Among the Jews, Philo reporteth, That the wealth of the Corban was oftentimes the object of envy to the neighboring Kings. Among the Christians, as in other Nations, so truly in this our, it is certain, That the desire to increase the Revenue of the Clergy proceeded to such a height, that it was greatly to be feared, lest the Church should swallow up the Common-wealth: That therefore it was seasonably taken into consideration then, (and so is now, when there is little need of caution) that no Lands should be bequeathed in Mortmain, i. e. to sacred uses, without the Royal Patent. Such anciently were the manners of men, and such the times. While mens manners, and the times were such, a disputation touching the right of Tithes was nor doubtful, nor necessary. But at length in this our age, when, as commonly old men so, the world growing old, is wholly set upon money, there is a general chira, an epidemical Gout in the hand. There are no improvements to the Clergy, would that were all: there are frequent impairings. I say, frequent impairings; and I wish it might onely be said, there are; and that there might never be cause of using the future tense. But to this humor of the present age, (wherein, what for that unholy hunger after gold, there is nothing esteemed Holy) we may adde another Error, That those Worthies, not to be named without all honorable respect, whose help God made use of for the Reformation of Religion, were very solicitous for the Reformation of Doctrine, but less attended the Churches Patrimony; and almost said what the King of Sodom did to Abraham, Give us the souls, and take the rest to you. But as they, who thought they should finde the Baptist in Kings Courts; so they, who thought they should finde Abraham there, were both deceived.

Which Error, though a small one, (and a small one indeed it is, if we compare it with those great and famous acts performed by them) yet, we may justly fear, will lie heavy upon succeeding Ages; an which true-

hearted honest men (from that of Solomon, Where no oxen are, the crib is clean) presage Barbarism, or some what worse, which I will not speak of; falsly per chance, and I pray God it prove so, but not rashly, I am sure, not without cause. And indeed they ought to have withstood the beginings (as we say) and have snatch ed this sweet bit from this eating and drinking Age, which perverts all to most detestable use; and have taken care not onely of increasing the light, but also of allowing oil. Which because not done, this evil spreads daily more and more, and the devourers of Church-Revenues whisper up and down in corners, as most an end the maner is, that the Church may be impleaded and sued for the remainder of Tithes; and thereupon finde out new quirks to put Her in a worse condition; then, talk of a stipend: Finally, so turn themselves on all sides, that the Clergy may at last say it to their sorrow, Their sowing or their mowing is nothing to us. To pass by other things, as lost and gone by prescription, 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. (so absolute, that Iustinian is no body to Him) had proclaimed many ages since.

I am to treat of a hard point, nor is there any by whose candle I shall light mine: wherefore it will be your part, Reverend Brethren, if I shall compass my designe, to do as you do; but if I shall fail, or come short of it, to vouchsafe your pardon, as is meet, to me the first that make experiment.

Tithes ought not to be abrogated.

I Need not explain terms. Who knows not, what the Tithe is, one part of ten? Or who doubts, what it is to abrogate? Either, to unsettle, what is settled by Law: or, in stead thereof, to appoint a stipend. Let us therefore set about the businesse.

What Christ did in the cause of Divorce, I conceive to be of great concernment. First of all to inquire, how any matter stood in the begining. In the flux of time many things are changed: The begining is the most certain Rule and Iudg.

I demand therefore, who was the first that received Tithe? That great man Melchisedek, to whom Abraham gave the Tithe of all. Melchisedek received Tithe from Abraham; but were they free, or due? Voluntary, or by Law? If free and voluntary, the Argument is of no force, and the Apostle puts a trick upon the Hebrews, when he compares the Levites with him. For the reason is not alike: The Levites require their Tithe by Law, for they have a commandment to take Tithe of the people: Melchisedek his, because Abraham would, not because he ought. Again, if this service were voluntary and free, Melchisedek were no with better then Abraham. For what hindereth but that I may debase my self, and do voluntary honor (if I please) even to my inferior? My civility indeed would be the more com mended. But if, upon both these considerations, this were absurd, it follows that he paid Tithe not as a voluntier, but as they were due by Law. Concerning the Law then, I demand again; By what Law? Not of Sacrifice; for he offered none: of Blessing then, it's clear. For there is a coherence betwixt these two; Melchisedek blessed, and Abraham paid Tithe. Now I assume. Tithes are due to Melchisedek blessing. The same right remaineth under Christ. How can that be made to appear? Out of the 12. verse of the 7. Chapter to the Hebrews. There is no change of the Law, but by the change of the Priesthood. But there is the same Priesthood of Christ, and of Melchisedek; for which, if need be, God himself will give us his oath. Therefore there is the same right under both. Tithes therefore are 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.

I had not thought there had been any born with so unfortunate a genius, under so unhappy a planet, as to say, that Tithes were paid to Melchisedek as a King. But I have found one that saith so; see you, how without all reason. 1. The Levites have right to Tithes: They have, as Gods Vicars: 'Tis true, they are: But are they Gods Vicars: as God is a King? O what a multitude of Kings should we have! 2. Moses saith not that Tithes were paid to him as making a royal banquet, but as blessing; which not with standing should have been said, if they had been paid to him, under that notion, as symbols of that power. 3. The Apostle, upon that payment of Tithes, grounds not his Kingdom, but his Priesthood. 4. Lastly, there are as many Adversaries to that opinion, as Interpreters: even the Rabbins themselves, whose that gloss is [because he was a Priest] therefore Abraham gave him Tithe. You see the force of the Argument: And this you likewise see, that, whatever is brought against it, comes miserably short.

I shall pass from Abraham; and yet not far. My next reason shall be from Iacob, who was also the Father of the faithful, from whom we received the surname of the Israel of God: and of whom, I doubt not, but, what Saint Peter concerning Sara, (as she obeyed) the like will you conclude. He therefore, vows a vow. If the Lord will be with me, and keep me, and will give me bread to eat, and raiment to put on: Then, of all that he shall give me, I will surely give the Tithe to him. You will grant, I know, that this was no Will-worship; for then Iacob should have vowed, what the Lord had disavowed. Therefore, doubtless, he relied upon the Divine Will: the command is the interpreter of that will. Moreover, the reason of the command must necessarily be this: On whom the Lord shall bestow such favors, as he did on Iacob, he must be bound to the Lord by the same law: For, unless it were so, the reason of the command would be uncertain; and so the command; and so the consequence; and so, finally, the vow it self. But if this reason be full of reason, and the equity thereof, as is meet, extend it self to all; is there any man will deny this Law was made for him, who shall confess, both, that he received all from God; and ought to return them to God again?

And this reason may satisfie any private man, why he should pay; and that assigned by God, why the Clergy should receive Tithe; Ye shall eat it in every place, ye and your houtholds, Because it is your reward for your service: As also that of King Hezekiah, That they might be encouraged in the Law of the Lord. The conclusion in both places is this, Let them receive Tithe: which in both places would be weak, if the major proposition be not universal. Tithe is the reward of service; Tithe belongs

to them who attend the explication of the Law. Otherwise the Patriarch Jacobs *If*, and the Prophet Moses's *Because*, and King Hezekiahs *That*, would all totter. But if they do not, then, doubtless Tithes are the reward of the Priest hood. Let all, that give themselves to the exposition of the Law, receive Tithes. The reason is evident.

I adde this further: Since Gods blessing of his goods is the medium that Iacob; the reward of the Priests service the medium that Moses; the study of the Law the medium that Hezekiah useth; and these three are perpetual, nor circumscribed by place, nor defined by time, but belonging as well to Christians, as to Jews; there will be the same condition of the precept: For it is truly and wisely determined by the Lawyer, As is the reason of the precept, such is the precept, it self.

The third reason is taken from the Prophet Malachy, where the observation of this Precept is established with a solemn blessing, and the violation with a severe and bitter curse. And indeed if Tithes were ceremonial, as some are very earnest to have them, the Prophets would cast them away; would never urge them so carefully; they would suffer them to wax cold; would never speak of them so highly. This is not their usual maner: but, if the ceremonies were never so carefully looked to, not to promise so great happiness; nor, if neglected, to threaten so sore judgements. And least any should think this reason to no purpose, the Fathers used no other in the Council of Tribur. Tithes are to be paid, that God being appeased by this our devotion, may more plenteously bestow those things that are necessary. The Fathers in the Synod of Mentz no other. Tithes are to be paid; for it is to be feared, that if any take away what is due to God, God will, for his sin, take away necessaries from him. Saint Augustine, a substantial Author, no other. Our forefathers abounded with wealth (and it is not perfunctorily to be passed by that he saith (our forefathers) Tithes therefore are ancients then Saint Augustines time) because they paid their Tithes to God: but now because our devotion to God is decreased, the comings in to the Exchequer are increased: We would not part with the Tithe to God, therefore now all is taken away. The Exchequer takes away that, which Christ doth, not receive.

I pass by Saint Ierome, as too prolix, who yet was the first who prosecuted this Argument in his Annotations on the Prophet.

But, because it is an easie matter to finde Tithes under the Law, and the credit of the Old Testament is in this point suspected, go to, let us seek in the New, and set our foot on that ground which seems most slippery to contest on.

And first of all I object that place of Saint Matthew, the words of Christ himself: These ought ye to have done, and not to leave the other undone. This place I do not, (for why should I assume that to my self, which is none of mine?) the ancient Church urgeth thus. Tithes, which Christ himself hath commanded not to leave undone, the decrees of Princes ought not give order to leave undone. Now who knows not the assumption? But this Reason hath the greater strength, because, when, in some places before, the discourse first; and afterward the practise of washing of hands, of rubbing the ears of Corn, and other ceremonies had been faln upon, Christ, not unwarily, omiteth those particulars, defendeth their omission of them, and, which is more to be wondred at, doth himself authorize the people to omit them. But, concerning this of Tithe, his words are express, Ye ought not to leave them undone.

Nay, which is of more weight yet, when the discourse was of matters of greatest importance, of mercy and judgement, and that in the same Paragraph (as I may say) he makes a law, as for the doing of the one, so, for the non-omission of the other. What seek ye more? No man can easily imagine, in how great esteem this Argument was with the Primitive Church.

I shall give you two of many. One whereof shall speak for the Greek Church, the other for the Latine. Saint Chrysostome, his words are these: Worthily doth our Saviour adde, These things ought ye to do; for Alms is a Tithe. Now Alms cannot hurt possibly. For we ought not to do them, as observers of the Law; neither doth he say we ought; But these things ought yet to do. For when formerly he disputed of clean and unclean, He added not there, these things ought ye to do: but manifestly he overthrew them. Wherefore, Brethren, he speaketh of Tithe, These things ought ye to do; but concerning their Washings he speaketh not so: The words, as you see, are a little differing, the sense is not differing.

Now hear Saint Augustine in his *Enchirid*: to Laurentius, cap. 76. Wo be to you, Pharisees, who Tithe every Herb: As if he would say: Indeed I exhorted you to give Alms, by which all things would be clean unto you; But wo to you who Tithe Herbs. For these I knew to be your Alms, think not that I admonished you concerning then. And a little after (for it would be troublesome to put in all:) But lest he should seem to refuse those Alms, which are given of the fruits of the earth, These (saith he) ye ought to do, that is, Judgement and Charity; and yet, neverthelesse, not to omit the other, that is, Alms of the fruits of the Earth. I need adde no gloss.

I study brevity: and put you in minde of one thing, (though there be no need, I know, ye observed it) that Tithes both by S. Chrysostome and S. Augustine are refer ed to the common-place of Alms. Some are of another opinion: I will not greatly contend; for I had rather it should be accounted a sacred Tribute, then Alms. But this place is safe enough: And by it they gain thus much, that Tithes ought not to be abrogated.

I proceed now to the fifth: And, or I am much deceived, it may be concluded from S. Paul, That Tithes are to be retained even under Christ.

In the sixt chapter to the Galathians, verse sixt, Let him that is taught in the Word, communicate to him that teacheth in all good things. Which words seem to me to sound like those in the seventh chapter to the Hebrews, verse the second, He gave the tenth of all, like those, Gen. 14. 20. of all, in all, what difference? that it may be no light conceipt, that the Apostle doth allude to that of Genesis: and that he doth covertly insinuate that communication, which was used by Abraham, who is to be imitated in all things, as much as may be, by the children of his Faith. But what if so? That precept, which doth best provide for communication in all good things, is not to be antiquated; And there is no question to be made, but that was a Law for Tithe. For by that, there is a true, and (if by your leave I may, I will say) a communication of all good things, both of Fruits, and of all other productions, of the Earth, of Plants, of Beasts; you may by your selves make up the rest of the Induction. Substitute in place thereof a stipend, payment by the Poll, or a rate upon Houses, there will be many Errors; part will be concealed, part will be substracted; I dare say, there will be no communication in all good things. Lastly, though all possible caution be used, the communication of a Pension will be onely Analogical: But I have learned long since, and nature, law and reason perswade thus much, that, where we may have the Thing it self, we should not trouble our selves about the Analogy: Wherefore in the communication betwixt the Pastor and his Flock, if the truth it self of the Thing, of the Communication, may be had in all good things, (and it may be had) those stipendiary proportions are not to be sought after, or rather (for that is too little a great deal) are utterly to be rejected.

Further, Let this be a sixt Argument. That Political Law concerning Tithes did sometime binde the Church: it cannot be denied. But it was never made voide: Therefore it bindes now too. What things were abolish ed, the Apostle sheweth, Ephes. 2. 14. Those things which were the middle partition wall, first, betwixt God and man; secondly, betwixt man and man, i. e. the Iews and Gentiles. We are excluded from the first member of the Division; for God commanded Tithes: there fore they do

not displease him. And also from the latter; for there was peace on all hands, in the point of Tithes; which the Heathen did pay annually to their, (as I shall shew anon) as well as the Iews to their Priests. But that the other part of the Political Law was excepted, this may be an Argument, because it is esteemed by King David, Psal. 147. 19, 20. a great blessing: And I shall hardly be brought to beleve that the death of Christ deprived us of any blessing. Besides, if it were wholly cancelled, Saint Paul offended against the Rules of Law, when in the 1 Cor. 9.13. he brought a testimony from Deut. 18. 1. that is, from an antiquated Law. But that controversie runs into another: I will not prosecute it.

But this I will, out of the seventh to the Hebrews verse eighteenth, which shall be my seventh Argument. And it is if I mistake not, as a most fair place, so, most apposite to this Controversie. There is verily a disannulling of the commandment going before, for the weakness and unprofitableness thereof. So that no Law is to be antiquated or disannulled, which is not either weak or unprofitable. The Law concerning Tithes is a Law going before, an ancient Law: Let any man shew me either the weakness or unprofitableness thereof, I will joyn hands and grant the cause; let this Thesis pass the sponge for me. But this Law hath strength, as much as any Law, ever had, is like to have, can possibly have, from the Author, con sent, multitude, custome; and that, lastly, not the mute or silent, but the express and clear approbation of all Ages. And its use too: for it hath a long time been employed, without complaint of any, to that use, to which it was appointed: and, unless the sinews of it had been cut by certain Improper Proprietaries, it had been better employ'd, neither would the Church have ever complained in that point.

On the other side, (which shall be my eighth Argument) with how unhappy success hath it been changed in some places? And where stipends are substituted in lieu of Tithes, how many deceits, difficulties, complaints? How many weaknesses and unprofitablenesses? This, where Tithes are yet intire, may easily induce us to this opinion, That they ought not to be repealed; and where they are repealed, that they ought (unless it be wholly impossible) to be revoked. Geneva payeth fourty pounds, a poor matter, God knows; yet it is Calvins complaint in many places of his Commentaries (modest enough, as became him, but loud enough) that the stipends were but niggardly paid. In the sixth to the Galatians, and the fourty seventh of Genesis.

Scotland also hath exempted it self from Tithes. There is in print a complaint of Iohn Knox, exhibited in the name of the Ministers to the Parliament at Edinburgh, Anno Domini 1565, December 25. When I read

the eighth leaf of it, it pities me for them: I say no more, but what the Boys use to sing, *Felix quem faciunt*, &c. Happy they, whom other mens harms make to beware.

Those Fathers, whom I lately named, provided much wiser in this point, both for themselves and us. I come to them. We have had Arguments enough from holy Scriptures: And there is none of you (I hope) but will willingly admit the Practise of the whole Church for an Argument. I touched it lightly before: now I apply my self wholly to that. I say, of the whole Church: I change not a word. And, first, of the Aphrican: for which let Saint Augustine the glory of Aphrica speak, in his 219 Sermon, *de Tempore*, which is wholly and professedly upon the point of paying Tithes. He begins thus. By the favor of Christ (Christian Brethren) the dayes are now at hand, in which we ought to gather in the Harvest, and therefore let us give thanks to God who gave all, and think of offering, or rather paying our Tithes: (and a little after:) For we offer Tithes of Duty, and he that will not pay them, takes by force that which belongs to another.

You shall have at once both the Practise of the Church, and the opinion of the Fathers touching this matter. Of the Italian Church: but for that let Saint Ambrose, the Bishop of Millan speak, in his Sermon of Lent, (as it is quoted in the Decrees) Whosoever shall call to minde by him self, that he hath not paid his Tithes faithfully, let him now amend what he did amiss. But what is it to pay faithfully, but not to offer either worse, or less then is due of your Corn, Wine, Fruits, Cattle, Garden, Trade, Hunting? For he that will not pay to God the Tithes, which he holdeth, nor restore to man what he hath unjustly taken away, doth not as yet fear God, and is ignorant what true Repentance is. Let these suffice for the Western Church.

And Saint Chrysostome for the Eastern, If this were the maner under the Old Testament, how much more under the New? For what did not they do? They paid Tithes, again and again, to the Orphans, to the Widows, to the Proselytes. But some haply may wonder and say, Such a man paid Tithe: what a shame is this? if that which was no wonder among the Jews, should be a wonder among Christians. If there were danger in it to leave Tithes unpaid then, consider what it is to leave them unpaid now.

For Saint Ierome I am in suspense, which Church to attribute him to, but will not exclude him though: For he will be a most full witness, as being one who had seen most mens maners and most places. Thus he on the third of the Prophet Malachi. (For I pass by his Epistle to Nepotian, where he saith that he lives of Tithes.) The words are these. What we said

concerning Tithes, which anciently were paid to the Priests and Levites; understand that the same ought to be done by the people living in the Church under the Gospel, to whom it is commanded, not onely to pay Tithes, but also to sell all and follow the Lord. Which if we will not do, let us at least imitate the Jews in this, to give part of all, and give that which is due unto the Priests. Which whosoever shall not do, is sufficiently convicted to defraud and supplant God, and is cursed with scarcity and want of all things.

Very well, all this is true, they say. But the Church was now in peace, and began to set her minde, too much, on Riches. But what say you of that other, under the Cross? Of that, which was so full of glorious Martyrs? Although it be an unjust demand, that the Church should be in no better condition when flourishing, then when afflicted, yet they shall not scape so: To that I apply my self. The same did the Church ever think concerning Tithes, both when she suffered persecution, and when she was free from it.

For the Western Church let Saint Cyprian speak. Which very reason and form now held among the Clergy, that they who by Clerical Ordination are promoted in the Church of God, should not depart from the Altar and the Sacrifices, but receive Tithes of the fruits of the earth under the honorable name of the Brethren who live of the Sportula, i. e. of the Oblations of the Church.

For the Eastern, let Origen who was ancients then S. Cyprian. How then doth our righteousness exceed the righteousness of the Scribes and Pharisees, if they dare not taste of the fruits, before the Tithes be set apart for the Levites, and I, doing no such thing, so abuse the fruits of the earth, that the Priest knoweth not, the Levite is ignorant, and the Holy Altar partaketh not, of any such performance? And then he concludes: This we have spoke to this end, affirming that this command (concerning Tithes) ought to stand even according to the Letter. And before Origen, S. Clement of Alexandria (who was neerer to Christs time, and almost touched upon the first Century) speaks full to this. The paying Tithes of our Fruits, and of our Cattle, teacheth us Piety to God, and not to be altogether in love with gain, but to make the Priests partakers of our loving affection, and charity.

Now I think these passages may satisfie the desires of the most unreasonable, to shew the intent and custome of the Church. But if any shall object, and say, private men thought so indeed, the sentence of particular men is oftentimes sudden, and, what the heat of their brain shall suggest to them, that they set down in writing: No news of any

deliberation, disputation, determination all this while: All these are indeed in Councils: Shew it there if you can. I will take them at this challenge; and onely wish they would be bound to stand to them.

And to begin with a Council in England, in the yeer 670 and 73, under Theodore Archbishop of Canterbury. In the second Canon thereof, provision is made concerning Parishes; now Parishes and Tithes (if we may beleve the Canonists) are reciprocal. But this is more yet, That they wholly subscribe to the Council of Chalcedon, in which Tithes are confirmed. Which two things do sufficiently prove, That both the payment of Tithes, and the division of Parishes were anciently among us, and that they are not such upstarts, as some fondly have imagined. About the same time also was a Council summoned at Mentz, in the seventh Chapter whereof, we read thus. We admonish and command, that Tithes, which God hath appointed to be paid to him, be in no case omitted to be paid: and they adde this Penalty, Whosoever shall after due admonition neglect to pay Tithes, let them be excommunicated.

The second at Matiscon, almost 200 yeers before that, Cap. 5. The Divine Laws have commanded Tithes to be paid, which Laws all Christians have a long time kept in violate. And it concludes thus: We do therefore ordain that the ancient custome of the faithful be restored. But if any shall be obstinate, let him be for ever separated from the Members of the Church. Before that, the first at Aurange, cap. 17. Concerning Tithes thus we ordain, that every yeer the Fourths, or every Fourth yeer the whole. Tithe be paid to the Bishop. I pass by the second at Toledo, and the third at Arles: I come to that at Chalcedon, one of the Four first and principal. Touching which, we read thus in the fourteenth Chapter of the Council at Tribur. It hath pleased this Council, That Tithes and all other their possessions be preserved to the ancient Churches, as was decreed in the Holy Council at Chalcedon, cap. 17.

You have heard the Councils speak: and that upon mature deliberation, disputation, determination; that they did establish, not define; confirm, not appoint, Tithes; that they were formerly granted by private consent, and suffrage of the Fact, as they speak; before they went to the Councils. For subscription in the first Council; Admonition in the second; Prescription of long time in the third; Conservation and penalties in the fourth; do import rather an approving and ratification, then an indiction or appointment of them.

But now forsooth, all the Question is about the Ius, or Law; and thence we must derive either the Institution or the Abrogation of them:

thither therefore they betake themselves: and truly I will not balk the Law, nor the Policy of either Body, Canonical or Civil.

For even from thence I have collected a few passages to this purpose: sparingly indeed as becomes a Divine; but abundantly enough to our purpose. Nor indeed shall ye need to fear that we will take any from the Decretals; we shall be very scrupulous how we meddle with those dregs. Onely some few passages we shall make use of from the more sound Decrees; and those too before the year 400. The Decree of Symmachus the first. Whosoever shall dispose of the Tithes without the consent of the Bishop, let him be Anathema. Again, of Anastasius the first, Who soever shall detain his Tithes, let him be suspended from the Communion. In the 29. Chap. of the Decrees of Cedeasius, it is meet that there be Four parts made as well of the Revenues of the Tithes, as of the Oblations of the Faithful, as was long since decreed with great reason. But if Parishes and Tithes, Bishops Stipends and Tithes, Clergy and Tithes be reciprocal, as the experienced in those Laws are of opinion, then we may carry up this point a great deal higher, even to the second Epistle of Calixtus the first, to the first Epistle of Urban the first, up to the very times of Iustin Martyr. Although, were there none of all these, yet the Canon which is Dist 12. (Let that Custome, which is not known to usurp any thing against the Catholike Faith, stand firm,) Especially being supported with the judgement of Saint Augustine, and Saint Ierome, (whose opinion it is, that as the prevaricators of the Divine Laws, so, the contemners of Ecclesiastical Customes are to be curbed) may be strong enough against the Abrogation of Tithes.

As for the Civil Law (that we may satisfie our Politicians;) that is so far from the opinion that they may be abrogated, that it frees them from all injury by Prescription, which, nevertheless, by it self alone, in other cases cancels Laws. For so we have it in the seventh Book of the Code. Tithes by the command of God are set apart for the priests, that they, who are accounted of the Lords Inheritance, should live of his inheritance. They cannot therefore by Privilege of any be granted to Lay men, lest the authority of the supreme Magistrate should prejudice the Divine command. And also in the Authenticks, in the same Title: Thus Iustinian. But if any Private man shall possess Tithes, either without Title, or with Title, he cannot be secure by any prescription of time. For those things cannot be strengthened by tract of time, which, by Right, could be of no effect at the beginning.

I have other Testimonies at hand; but I promised brevity. The Emperors (as you have heard) are of opinion, that the things which belong to God may not be abdicated.

The Scriptures, the Fathers, the Councils, both Laws, are with and for us. Now, unless Reason be against us, we are safe. To that, therefore, we come in the thirteenth place. But, there, to proceed distinctly, I shall divide this one Question into three Members. First, Whether Reason will that there be a certain allowance to the Ministers of the Gospel? Secondly, Whether this out of the yeerly profits? Thirdly, Out of what part?

For the first: The business is long since brought to this pass by Saint Paul. The Ministers of the Gospel have a power to eat and drink, and not to work: the Reason. Every Laborer is worthy of his hire. Whether he cut his own Vine, or feed his own Flock: and, the Ox must not be muzzled that treadeth out the Corn. This is one degree. Secondly, But if any Laborer, much more Laborers in the Common-wealth. Every Souldier warreth at the publike charge, not at his own. They that assist the Common-wealth are to be assisted by the Common-wealth. But a Minister of the Gospel is a Laborer and assistant of the Common-wealth. This is a second degree. Thirdly, But if he must be maintained, who is any way profitable to the Common-wealth; He, whose help she useth in spiritual and eternal things, much more; and, if it might be, with such additions of Fortune, as they use to be honored with, who have deserved well of the Republike. For all Reward is beneath the merit of this, and there is no comparison betwixt Spiritual sowing, and Carnal reaping. Wherefore, without doubt, Carnal things are due to them who sow spiritual.

I come to the second Member; Whether out of the yeerly profits? Postellus, a man of great learning, is of this opinion, That this is a common principle engrafted in all by nature, viz. That a certain portion of the yeerly profits be paid to the Ministers of the Holy things. For it is just and agreeable to reason, that there be a yeerly sacred tribute, wherewith we should sacrifice to God, for the increase of our estate, as we use to keep anniversary solemnities in thankfulness. And there is all the Reason in the world for it: but whether should this be out of the profits of the ground, or by a pecuniary reward? Reason would the former. For in all created things there is the image, and (as I may so speak) the superscription of God, as there is in Coins of the King. The tribute is distinguished by the inscription. Wherefore the Kings fifteens, and subsidies (as they call them) have the Royal impression. The Divine tribute is not silver or brass stampt with the image of a man, but of God

himself; as there is in all Creatures a Character of the Divine power, wisdom, and mercy. Of that therefore let the sacred tribute be.

Would you have another? Reason will, that the Minister of the Gospel should receive his reward that way, wherein there may be equality of fortune, wherein the mutual participation of plenty and want, of joy and grief in common with the people may redound to him. It is expedient it be so. For is he sustained with the annual profits? Is it fair weather? He is glad, he rejoiceth, he sings praise to God no less willingly, then any husbandman: for he hath his share in that fair weather. Is it tempestuous? He sighes, he groans, he falls to his prayers, no less fervently, then any husbandman: for he hath his share too in that tempestuous weather. Sympathy, and Communion, that great bond of nature, of the Commonwealth, and of the Church, is conserved and maintained. On the contrary: Is he sustained by an yeerly stipend? Be there seasonable showres? the people rejoyce; he rejoiceth not: for (as we said in the begining) their sowing or their mowing is nothing to him. Comes there an unseasonable drought? The people mourn; he mourneth not: for their sowing or their mowing is no thing to him. Sympathy, that great bond of nature, of the Common-wealth, of the Church, is dissolved. This ought not to be so: Wherefore that Reason is the better, which pleadeth for the fruits of the earth.

I proceed to the third: What part? The tenth. They say, that the Positive Law (for that is their expression) is the determination of the Law of nature. The Law of nature determineth the death of a murthurer: but the Positive Law, the kinde of death. Again they say, the Law of nature determineth a stipend to him that ministreth about holy things: but the Positive Law, the measure of the Tax. Yes, haply in things pertaining to the Common-wealth, there is a limitation by the Positive Law: But in Divine, in Taxing for the Church, we grant it not. God is as careful for our sustenance, as he was for the Levites: there was nothing then reserved to the Positive Law; nor therefore now. This whole point may be dispatched by Reason. The Levites had right to Tithes: But the Ministry of the Gospel, as it is more excellent in nature, and more eminent in dignity, so, is more profitable in its use, then was theirs. Our people receive more and greater benefits from us; therefore they ought to pay more, Reason presently insinuates. What a shame is it, that Christians, who owe more, should not pay as much? If therefore men would hearken to Reason, we might possibly receive more ample fruits; not, likely, less.

For Tithe hath all the points of Equity in it. It was chosen by God; and so not without great reason; and therefore not, without great reason, to

be rejected. What is alleaged to the contrary? One or two, I know not what, scarce worth the name of reasons; not so much as a shadow of what we may call great reason, nay indeed not of any poor and mean.

Most equal and reasonable it is in respect of the constitution. Excellently Saint Augustine: For what if God should say, Thou art mine, O man; this Earth, which thou tillest, is mine; these Seeds, which thou sowest, are mine; these Beasts, which thou imployest, mine; the Rain and Showers, mine; the Sun and heat, mine; all mine; thou which lendest onely thy hand, deservest onely the Tithe; but I grant nine to thee, give me the Tithe. If thou wilt not give me the Tithe, I will take away the nine: If thou wilt give me the Tithe, I will multiply the nine. Could a more reasonable Speech possibly be made?

Most equal and reasonable, in respect of the payment. Out of the second to the Corinthians, the eighth Chapter and the thirteenth Verse. For then is any thing most equally disposed, when one is not eased, and another burthened, when it is not too loose for one, too strait for another. By this, there is a most exact equality: the Rich are not spared, the Poor are not opprest: which is the common complaint of the Edicts of Princes; the Crow, there, better then the Dove.

Most equal and reasonable, even by the very light of nature; I say, by the very light of nature, such as the very Gentiles had; that is, by that lost, rased, deformed, not renewed Law. By what Law did Abraham pay? Sure by no politike constitution (who can possibly perswade that?) no, nor by any ceremonial law. For there is no congruity betwixt a ceremony and the eternal Priesthood, such as was Melchisedeks: Therefore by the law of nature. But to return to the Gentiles.

Votive Tithes are frequent in their Histories. Not onely by prime men in their several Common-wealths, Pausanias the Athenian, Agesilaus the Spartan, as Xenophon reports. Cartalon the Carthaginian, Camillus the Roman, as Plutarch: But also by every Commoner, Stichus in Plautus; by every housholder as we read in Plutarch. How so? who declared to them the measure of the Divine portion? who was his Accountant, who so exactly registred it in his Notes, that eight parts belonged to the family; six whereof were to be imployed, two to be laid up; that the ninth was for Seed against the next year; and the tenth was the Divine Tribute.

But indeed they did not onely Vow them, neither was their Tithing onely by Vow, or but ever and anon, but it was their annual solemn Rite and Custome. *Alexander ab Alexandro* no contemptible Author reports, that the ancient Romans were wont to pay Tithes of Corn, out of their

fields, and new broken up grounds. Theophrastus saith as much of the Egyptians, that they had the like usage. Diodorus Siculus as much of Sicilia, when she was her own Mistress, and not a Province. And that this was the very maner of the Athenians, we may be convinced from this, because the poorest Citizens were called Thetes, and that from the letter Theta, the note of the number Nine; because, having by estimation, but nine parts onely, they were exempt ed from paying Tithe. Finally, it may be collected from the same Authors, that those Tithes were never employed to discharge their wages, who executed any Temporal or Lay Office in the Common-wealth; that, at first, and as long as any thing was held religious or holy, they were so too: but afterward were swallowed up in the stomach of the Common-wealth.

Of what credit is, I know not, but I remember that Musculus relates, that, in the first beginings of the Church, the right and use of Tithes was taken away from the Idol-Priests, and instated on the Presbyters of the Church. But this is most certain that the places of Payment and Accounts of Tithes, though in declining times they fell into the power and possession of Kings and Princes, did at first belong to the Priests. For when in the begining the same men were both Kings and Priests (as Plato reports of the Kings of Egypt, and Virgil of Anius, King Anius, King of men, Apollo's Priest) the Priesthood being afterwards, as too hard and troublesome a companion, transfer'd from themselves to others, they did notwithstanding retain the Tithe as a dowry to themselves. But that rather by Custome then Law, & that a corrupt Custom too. For that in the Prophet Samuel is no description of a good King, but a Tyrant. Which makes me wonder the more at them, who would have the Levites Tithe to be part of the Kings Inheritance; and that Kings did part with their own Right, when Tithes were confer'd upon the Church. But this falls to the ground by the example of Melchisedek, who surpasseth the antiquity, and faith of all Histories; who, both persons, of King and Priest, meeting in him, did not receive Tithes by right of his Kingdom, but his Priesthood.

I should offend against the time, and against you, if I should produce any more of these mens trifles in this presence; nor would any pleasure accrue, from thence, to you, nor advantage to the cause. Nor do I alleage any new Writers, because they for the most part do rather touch upon some heads, and not apply themselves home and strongly to the cause. Any, even the most learned Author, is otherwise to be esteemed of, when he doth but salute a Question, and touch it lightly; otherwise, when he takes it to task, and thorowly discusseth it. And in truth, if I would never so fain bring them forth, yet the scales would hang even, in

suspence. For (to my thinking) Luther, Melancthon, Brentius, would be for us: Calvin, Martyr, Bucer, go another way. Wherefore I will dismiss and leave you to your selves: Here shall be an end.

Two Patriarchs, as many Prophets, C H R I S T, 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.

S. MATTH. 23. 23.

Wo unto you Scribes and Pharisees, Hypocrites, for ye pay Tithe of Mint, and Anise, and Cumin, and have omitted the weightier matters of the Law, Judgment, Mercy, and Faith: these ought ye to have done, and not to leave the other undone.

FINIS.

Decemb. 15, 1646.

Imprimatur,
JOHN DOWNNAME.