

Richard Tillesley  
Animadversions upon M. Selden's History of tithes,  
second edition  
London  
1621

<iii>

ANIMADVERSIONS  
vpon M. Seldens  
HISTORY  
OF TYTHES,

...

Maintaining the 'Ius diuinum' of Tythes, or more, to be payd  
to the Priesthood vnder the Gospell.

The second Edition newly corrected and much augmented,  
together with an Answer to an vnprinted Pamphlet di=  
vulged against the former.

By RICHARD TILLESLEY Doctor in diuinity,  
and Archdeacon of Rochester, and sometimes fellow of  
Saint Iohn Baptists's Colledge in Oxford.

...

LONDON,  
Printed by N. Okes for Arthur Iohnson.  
MDCXXI.

<xxiv>

To the Reader.

This Edition corrected and enlarged, was  
long since ready; at first it was forborne  
in expectation that Mr. Selden would giue  
satisfaction to his Maiestie; and so all  
writing in this kind, might haue ceased:  
but this not succeeding, the former Printer (for cau=  
ses better known to himselfe then any other) long de=  
laied it, & at last refused to print it. Now at length it is  
come to thy view, ...

<xliv>

... and before these, that honour of my poore dignity,  
his Master, and the restorer of learning in my mother the  
Vniuersity of Oxon, the famous Robertus Pullus, or  
Pullenus, or Pullanus, sometimes Archdeacon of Ro=  
chester (as out of an Epistle written by Ascelinus Bi=  
shop there, against him, to Eugenius the Third, by con=  
ference of other writings, I haue certainly collected) ...

173

In Chartul. Ec=  
clesiæ Roffens.  
Videsis etiam  
Bernar. ep. 205.

In Registro Epi.  
Roffensis.

... and in the Diocese of Ro=  
chester that learned Bishop Iohn Langdon published it, An=  
no 1425.

188

In textu Rof=  
fens. & in chart.  
Episc. Roffens.

... But let Ethelulph himselfe bee his  
owne interpreter, first, in a Charter of his, concerning land  
giuen to Diuma, then Bishop of Rochester, where the words are,  
'Ego Ethelwolfus Rex Occidentalium Saxonum necnon & Cantua=  
riorum pro decimatione agrorum quam Deo donante cæteris  
Ministris meis facere decreui, Tibi Diumæ Ministro meo dabo

vnam villam, quod nos Saxonice An Haga dicimus, in Meridie Castellii Hrobi, & decem iugera a meridiana plaga villuli illius adiacentia, **necnon & duo iugera prati** — quod hoc ipsum tibi adhibendum & possidendum concedendo donamus, vt post dies tuos cuicumque hæredi tibi placuerit derelinquendam cum plena libertate habeas potestatem, anno 855. Indict. 3. hoc est, diuina gratia largiente quando vltra mare Romam perrexi.’ In this it is manifest that lands, and not Tithes were giuen to Diuna, . . .

198

If by reading the priuate Chartularies of the Church of Rochester, I had not found small gifts, as of an Halfepennie, of an Egge, and such like, euen by Charter conueyed vnto Monasteries, I should wonder . . .

201

In Textu Roffens.

To which I could adde that, in the Charter of Henry the 1. of certaine Churches to the Monasterie of Rochester, reckoning vp the Tithes and profits giuen, the King sayth by comparison, ‘Sicut Midletunam Sanctus Augustinus melius habuit tempore patris mei,’ As S. Augustine had Middletune in the time of my Father. But here, not **Augustine**, but the Monasterie must bee vnderstood, . . .

202

E Registro Episcopi Roffens.

. . . Yet that in \*his time Tithes were annexed to the Church, appeareth in his Charter, confirming the gift of the Mannor of Leuesham, &c. **which was formerly confirmed by Alured and Edward his sonne, and was the gift of Ælftrude, Neece to Alured**, to the Church of S. Peter of Gant, ‘sita in Monte Blandinio,’ He sayth, ‘cum Ecclesiis, Cœmeteriis, Decimis, &c.’ . . .

\*<king Edward’s>

203

For Tythes generally annexed to Parish Churches at the Conquest and the times immediately after, obserue these Testimonies for particulars.

William the King confirms the gift of the Church of Retherfield to the priorie of Rochester, giuen by Gilbert de Tonebrege, where is sayd ‘Ecclesiam de Retherfield & quicquid ad illam pertinet, siue in decimis, siue in Venationibus.’ So did hee the gift of the Church of Walton, ‘cum decimis & omnibus rebus quæ ad illam pertinent,’ giuen by Roger Bigod.

Henry the 1. Anno 1103. gaue at the dedication of the Church of Rochester new built by Gundulphus, ‘Ecclesiam de Boxley & quicquid ad illam pertinet, & in terris, & in decimis, sicut melius habuit capellanus meus Giffardus & Anfredus, clericus ante eum,’ the succession of which two, may probably reach to the Conquest.

Againe, Henry 1. giuing Churches giues ‘omnes decimas villarum illarum in quibus sunt dictæ Ecclesiæ — sicut Sanctus

204

Augustinus melius habuit tempore patris mei Ecclesiam de Middletuna cum decimis ejusdem villæ,’ Milton then in the time of the Conqueror had Tithes. . . .

206

Chartul. Roffens

And in the time of this Henry 3. but 40 yeeres after, in the case of priuate men; the Prior and Couent of Rochester empleaded the Parson of Bocton Malherbe for detayning the Tithe Hay of their Portion of Buggley, whereas ‘longo tempore a quo non extat memoria, se percepisse asserebant,’ they affir=

med that they had receiued them time out of minde; the Parson on the other side claiming them of right to belong to his Church as small Tithes. And concerning Tithe of Milles, in our Chartularies of Rochester there is a grant by Anfridus de Tutesham of 2s'. 'nomine Decimæ Aquæ & Molendini mei in Tutesham,' to the Prior of Leeds: This is without date, the writing very ancient: and William de Aubigny Butler to Henry 1. in the portion of Elham giues the Tithes 'de Molendinis' of Milles: . . .

208

Chart. Roffens.  
Ecclesiæ

. . . for among the Muni=  
ments of the Church of Rochester, there is an agreement (vnder seale both on the Monkes and Bishops part) betweene Gilbert Glanuill Bishop of Rochester, and the Priour and Couent there, (after a long suite in the Court of Rome) vpon certaine demands on each part, whereof one for the Bishop is thus; 'Tertio, mouimus iis quæstionem, de Decimis quam suis quam a=  
liis, & pensionibus, quas de Ecclesiis in Episcopatu Roffensi con=  
stitutis, contra Concilium Lateranense, & citra auctoritatem Episcopalem percipere non verentur;' thirdly, wee questioned them for Tithes, both their owne and others, and for pensions, which they presume to receiue of the Churches, in the Dio=  
cesse of Rochester, contrarie to the Councell of Lateran, and without the Bishops authoritie. . . .

212

Ad Pag. 318.  
&c.

But because the Chartularies of the Church of Rochester, are both more largely insisted vpon by the Author, and for seuerall respects seeme to be of best credit with him, as quoting them pag. 282. 'Ante alia vetera Monumenta consulas si placet Chartul. Roffensis Ecclesiæ,' and in pag. 370. **Whereas** by the Grant of my gracious Mr. His Maiestie, I am a Prebenda=  
rie of the same Church, where, for the knowledge of the Temporall poore estate thereof, I haue had libertie to per=  
use the Muniments; I will more largely make answere to his seuerall instances out of them, as farre as those Charters and Registers that remaine will permit: for many, either through iniurie of time, or sacrilegious suppliation of stran=  
gers, or neglect, because the portions are conueyed away, haue miscarried.

And moreouer, I will first shew, how this Monasterie came to portions of Tythes; Then by whom they were

213

confirmed; and lastly, I will explaine particular Graunts wherein Exception may seeme to be taken.

For the first, because the meanes of lawfull Iustification of a Title are the same with those of lawfull obtaining, I will out of an ancient Register of this Church set downe a forme of Iustification of two seuerall portions of Tithes, which al=  
though they are not named by him in his Extracts, yet are of the same reason with the rest, and being of the ancientest, (for before the foundation of the Monkes heere by Gundulphus there were no portions giuen to that Monasterie, but all the whole estate was in himselfe, out of which hee first separated from himselfe a speciall maintenance for the Monkes.) are for better prooffe; I will exscribe the whole Euidence.

P. 23. 'Memorandum quod Decimæ de Chelesfelde & Fern=  
burgh, ex dono Ernulfi tunc Domini de Chelesfelde, & Geroldi Domini de Fernburgh, sunt confirmatæ Monachis Roff. per Wal=  
terum Roffensem Episcopum, qui fuit in Episcopum consecratus Anno Domini 1148. & secuta est confirmatio earundem Deci=

marum per Dominum Adrianum Papam 1159. Item per eundem Dominum suum confirmatae iis Decimae de Modingham, & per eundem Papam, & subsequenter per alios Episcopos Roff. sicut in eorum apparet scriptis, & per alios Apostolicos succedentes Adriano: \* Et declaratum est in litera dicti Walteri, quod istae Decimae possessae fuerunt ab iis tempore Gundulphi, qui eis illas Decimas ex dono Patronorum, accedente consensu Rectorum Ecclesiarum de Chelesfelde & Chiselherst contulit & concessit, & fuit Gundulphus in Episcopum Roffensem consecratus Anno Domini 1077. & ab illo tempore praedictas Decimas perceperunt. Item habent in Parochia Ecclesiae de Chiselherst, ex concessione Episcoporum Roffensium ex antiquo Dimidiam Marcam annuae pensionis.' This sheweth plainly the manner of conveying portions, The Patrons giues them to the Bishop by consent of the Incumbent, and the Bishop doth inuest the Monasterie.

\* And it is declared by the Charter of the saide Walter Bishop of Rochester, that those Tithes of Chelesfeld and Modingham, were possessed by the Monks, in the time of Gundulphus, who gaue and granted the sayd Tithes, of the gift of Patrons, with the consent of the Rectors of Chelesfeld & Chiselherst, & Gundulphus was consecrated Anno 1077. and sithence they haue enjoyed them.

## 214

But for the second and the confirmation also of this, The Charter of Gundulphus himselfe shall be next produced, which still remayneth with his seale appendant. The words are, 'Gundulphus Roffensis Episcopus &c. Noscat vestra vniuersitas, quod cognita & intellecta charitate, Christi fidelium, Domini videlicet Henrici Regis & quorundam procerum Nobilium ad Monachos Ecclesiae B. Andreae Apostoli, cui Deo authore, etsi indignus deseruio. Ego in eorum bona intentione laudans Dominum & gratiam agens Domino Iesu Christo, deuotiones eorum ad ipsos Religiosos approbo & ratas habeo, & iis Episcopalem auctoritatem attribuo

\* I Gundulphus — approve and ratifie their deuotions to the Monkes, and giue vnto them Episcopall authorie and consent, giuing and granting to the said Monkes, Tithes lying within the Parishes of diuers Churches of our Diocese, to wit, the Tithes &c.

& consensum, conferens ipsis & concedens, Decimas intra Parochias diuersarum Ecclesiarum nostrae Diocesis constitutas; Decimas videlicet in Strodes & in Chealks de Dominico eiusdem Domini Regis ex eius liberalitate — Decimas de Chiselherst ex liberalitate Goscelini — Decimas de Rundall & de Thu-

ang ex liberalitate Smalmani de Schornes —. Decimas in Chelesfeld & Fernburgh ex beneuolentia Aloldi & Ernulfi ex eorum Dominicis, Decimas de Modingham ex dono Ansgoti de Chiselherst, Decimas de Bertrey ex largitione Haimonis Manot — Decimas de Dominico de Edintune ex largitione Willielmi de Gurnay, Decimas de Westbrook in Parochia de Culings ex gratia Radulfi Pincernæ, Decimas etiam de Feodis Episcopatus, uidelicet de Wicham, &c. Ego dictis Monachis meis do & concedo in perpetuum. \* Volo **insuper et mando**, quod ipsi Monachi Decimas prouenientes in Maneriis eorum, infra Diocesim nostram constitutas habeant, & retineant omni pace. Has vero Decimas omnes superius expressas, tam eas quæ ex deuotione fidelium acquisitæ sunt, quam eas de feodis meis & **de maneriis eorum**, ipsis assigno, autoritate Episcopali qua fungor, mando & constituo, quod Monachi nostri eas habeant, & teneant in vsus victualium suorum, perpetuis temporibus conuertendas —

\* Further, I will and command, that the Monkes haue the Tithes in their owne manours within the Diocesse, and retayne them in peace. But all those Tithes aboue expressed — I assigne vnto them, and by my Bishoplike authority which I enioy, I command and ordeyne, that the Monkes haue and enioy them alwayes to bee employed for prouision of victuals. These grants and orders I haue made for the loue of Saint Andrew, in his Church, by the assent of Archbishop Anselme. ann. 1091.

215

Istas concessionones & ordinationes pro amore sancti Andreae in eius Ecclesia feci, assensu Domini Anselmi Archiepiscopi — Acta anno ab Incarnatione Domini nostri Iesu Christi 1091.'

This I haue so largely exscribed, repeating most of those particulars, which Mr. Selden quoteth, and were then giuen by him; to shew both in generall, and in those particulars, the authority of Bishops in such conueiances, though the grant of the Patron bee presupposed: and euen how to the Monkes, who were Land-lords, the very Tithes of their owne Mannours were by Bishops granted them.

To this I might adde the confirmations of Walter, Richard, Gilbert, &c. Bishops of Rochester; the stile of whom is of some, 'Damus;' but of all, 'Concedimus & confirmamus,' and 'ad securitatem, & pacem perpetuam concedimus.' And as for Popes, Adrian, Alexander, Innocent, Vrban, &c. they confirmed them. And of those others in other Diocesses, the Archbishops and Bishops confirmations, euen from Anselme downward, are extant: wherein that they and their Churches had interest, the confirmation of the Church of Canterburie to Rochester, pointed at by the Authour in the end of the cited Chartularies of this Church, is sufficient testimonie, where they say, \* 'Decimas ad iurisdictionem Cantuariensis Ecclesiæ spectantes, a venerabilibus patribus nostris Cantuar. Archiepiscopis, Anselmo, Willielmo, Richardo, Baldwino, & Huberto Canonice collatas, & confirmatas, sicut in Authenticis eorum perspeximus \*contineris.'

r. 'contineri'

\* Tithes belonging to the lu=

isdiction of the Church of  
Canterburie, by the most reue=  
rend fathers Archbishops of  
Canterbury, Anselme, William,  
Richard, Baldwin, & Hubert, Ca=  
nonically collated and confir=  
med, as we haue seene contein'd  
in their Authentike writings.

They might haue added Theobaldus, for  
his confirmation also is extant with vs: And  
in the Iurisdiction of that Church, are the portions of Bug=  
gley, Dudindale, Stalesfeild, Bilsintune, Elham, Ysfeild, Ham=  
wold, Scræmbroce, Geddings, which are instanced vpon by our  
Authour; so that the portions of Halegele, and of Malmain,  
and the Church and Tithes of Walton, may onely seeme a=  
mongst those which he hath cited, to want their confirmation.

As for that of Halegele, 'ex dono Henrici de Port,' Anno 1108

216

**Indict. 1.** although the confirmation of Ralfe Bshiop of Roche=  
ster, be not extant, yet in that it is mentioned, that the gift  
was, 'pro amore Radulfi Episcopi,' as at his entreaty, his consent  
may not be doubted of, especially by him, who conceiuing  
the stile of Gundulfus charter, yet shall consider that his suc=  
cessour Gilbert Glanuill in his confirmation addeth, speaking of  
Gundulfus, 'quo procurante & disponente, constat Decimas — fu=  
isse adquisitas:' so the Bishop Radulf. both got and bestowed  
them: which Radulf. being then 'Abbas de Sagio,' did subscribe  
to Gundulfus Charter. **And the other halfe part was giuen be=  
fore by Hugo de Port in the time of Gundulfus, who ordered  
the summe of 20. shillings issuing thereout, 'ad vestitum Mo=  
nachorum.'**

And as concerning the portion of Malmaines, That, with  
the other of Halegele was confirmed by Pope Adrian the  
fourth Anno 1154. and that of Malmains by Walter Bishop  
of Rochester, and his successours, but at what time that was  
giuen, I know not.

And as for Walton being in the Diocesse of Norwich (not  
giuen in the time of Richard the first, as hee coniectureth, but  
in the dayes of one of the King Williams for his confirmation  
is 'in Textu Roffensi,' **and amongst the Muniments of this  
Church, with the seale appendant**) it was not a Portion, but  
a whole Church endowed with Tithes, which was assigned to  
Felix Stow, alias Filchestow, a cell of this Monastery **in Walton**  
by Roger Bigot An. 1086. vnder this name, 'Ecclesiam Sanctæ  
Mariæ de Waleton cum pertinentiis,' which was confirmed by  
William, Hugh, and Roger Bigot: **And in the confirmation of  
King William, it is thus. 'W. Rex Angliæ Episcopo de Suthfulca, &  
Vicecomiti & aliis Baronibus suis, Francigenis & Anglis Salutem.  
Sciatis me concessisse & confirmasse donum Rogeri Bigot quod dedit  
Ecclesiæ Sancti Andreæ de Rouecestra, scilicet Ecclesiam S. Fe=  
licis de Waletona cum decimis & omnibus Rebus quæ ad illam per=  
tinent. T. Eudone Dapifero apud Wentoniam:'** but that had con=  
firmation by the Bishops of Norwich. Adrian in his confir=  
mation, sayth, 'Ex dono Rogerii Bigot & hæredum eius &

217

concessione, Norwycensium Episcoporum, Herberti, Hebrardi, Wil=  
lielmi, **Ecclesiam Sancti Felicis et Ecclesiam Sanctæ Mariæ de  
Waleton habetis,** Of the gift of Roger Bigot and his heires, and  
the grant of the Bishops of Norwich, Herbert, Euerard, Willi=  
am, you enjoy the Church of Saint Mary of Walton; now

Herbertus was then Bishop. All the Donations therefore of the Church of Rochester, euen 'Ab initio,' we see confirmed.

Yet in the third place, for the particulars, **whereon he doth insist out of the Chartularies of Rochester.**

The portion of Buggeley, for that the Patron by enioyning the payment of three shillings per annum, to the Monks of Colchester, might seeme to haue some reall interest in Tythes: You must know, that this portion was giuen to Colchester; and by them demised to the Monkes of Rochester for that summe, to which demise that Charter is but of consent, which the very words produced by himselfe might inferre, 'Reddituris inde annuatim Monachis de Colocestria tres solidos quamdiu eandem tenent & habere poterunt,' Paying yeerely to the Monkes of Colchester three shillings, as long as they hold it or may haue it. But Philip of Leyburne, who afterwards confirmed them, speaketh plaine, 'Ipsis Monachis Colocestriæ duos solidos dabunt, sicut ipsi inter se composuerunt,' They shal pay two shillings to the Monks of Colchester as they compounded amongst them selues. This then is no imposition, but a consent to a composition.

The Portion of Geddings giuen by Alan of Geddings, (which gaue occasion to the confirmation of Richard the Archbishop,) hath this worthy obseruation, that then, Iohn the Parson of Hese, in which Parish is Geddings, keeping backe ten shillings, which by couenant & promise he was to pay to the Monkes for that Tythe, was impleaded before the Archbishop: And there the Parson promised to remit his Parochiall claime, if one of the Monkes sollicitors would sweare for the trueth of such Couenants; which he doing, the Archbishop confirmed them to the Monkes. Obserue here that Parochiall claime, is only answered by pretence of couenant, not donation of a Patron.

## 218

The portion of Stalesfeild, wherein is the clause 'Tenendam sicut tenerunt de Antecessoribus meis,' Must bee vnderstood, either for the condition, 'pro societate,' or 'pro anniuersario,' or for the Tenure, 'In puram & perpetuam Eleemosynam,' other sense I conceiue not.

The Portion of Westbroke in Culings, wherein the Patron seemeth to impose halfe a marke, is thus to be vnderstood: Radulphus Pincerna gaue the Tithe of that field: This Tithe was valued in 'Textus Roffensis' per annum at fiue shillings: now Adam Pincerna, willing to pleasure the Monkes, in respect of the loue his Ancestors shewed them, he and his brother, who was then Parson of Culings, desiring it for peace sake, He gaue consent to the value of halfe a Marke, to bee paide by way of composition.

The Portion of Hamwold: In this it is to be obserued, that the Patrons of this Portion, did obtaine the confirmation of the Prior and Couent of Leeds, to whom this Parsonage was appropriate; wherein the Prior and Couent of Leeds, euen confirmed the confirmations of the Archbishop: Nay after, Nicholas Hacket the sonne, and Ralph his sonne, did sweare in the Chapter house at Leeds, for the indemnitie of the Parish Church, by their Chappell at Hamwold. Such was the interest of the Parsons through Parochiall right.

In the Portion of Edintune, the heire doth onely confirme a composition.

In the portion of Wicham, before, out of Gundulphus Charter we see, that it was of his owne Fee: And this, saith 'Textus Roffensis,' hee gaue to Godfrey de Talebot, reseruing 'omnem Decimam omnium rerum ad opus Monachorum suorum, quam etiam

dedit illis æternaliter possidendam.' Hamelinus de Columbiis, therefore made no new donation, but confirmed the olde, as in the Chartularies euen quoted doth appeare, where in the controuersie betweene the Chaunter of Rochester, and the Parson of Frindesbury, the Tenants of Wicham swore, 'Cantori= am eam' (that is, the small Tithes) 'antiquitus possedis= cum blado,' That they enjoyed them anciently, with the Tithe of corne.

219

By which claimes of the Parson of Friendesbury, for the Portion of Wicham: the Parson of Hese for Geddings: the Parson of Eltham for Modingham, for so it runnes in the Charters, 'Decimas de Modingham quas disrationauerunt contra Picardum Personam de Eltham,' the Tithes of Modingham which they recovered against Picard Parson of Eltham: (and all these before Anno 1200) and the confirmations of Hamwold; I take it, the practise of Parochiall Tithing is plainly confirmed; for how else could the Parsons impleade the Monasteries for such portions issuing out of their Rectories? And because against them Couenants and prescription, and not donation of the Patron is objected, I may well coniecture in the opinion of the Parsons, that onely their predecessors could passe them for their time; or the Patron but at their pleasure, **not simply at his owne.**

But hee objects, that in the confirmation of Richard the Archbishop 23. of Henry the 2. (which hee supposeth to bee the first Confirmation, but he is deceiued, for both Archbishops & Bishops of Rochester, and Adrian 4. and Alexander 3. Pope of Rome had confirmed them) the Archbishop seemes to ground the right of the Monks enjoying such portions, onely from the deeds of Lay-granters, 'Cognito iure prædictorum Monachorum, per inspectionem instrumentorum suorum, considerata etiam diuturna illorum possessione,' Knowing the right of the Monkes, by sight of their instruments, and considering also their long possession. But these Instruments are as well (if not rather) of Granters that are Ordinaries, as of Lay-Donors; as the confirmation of the Prior and Couent of Canterburie (whose Counsell he tooke herein) before rehearsed, doth testifye. Neither am I of opinion, that either the Bishop without the Donor to preiudice the Patronage; nor Donor without the Bishop to empeach the Iurisdiction; nor both without the Incumbent to empaire the Maintenance, could doe any valide acte in such conueyance. And this may also serue to satisfie the phrase of Hubert the Archbishops Confirmation.

And so much out of the Records of the Church of Roche=

220

ster: by which it appeares, that all their portions were at the first, confirmed and granted by the Bishops: that the first, were by consent of Incumbents; that Parochiall right was claimed against them; that Patrons onely intermedled not to make, but consent to compositions of Tithes. How then . . .

<221> 211

. . . And that 'Decimæ separatæ' doth signifie a portion, may appeare by an instrument of institution of a Parson of Hadlo vpon the presentation of the Prior and brethren of St. Iohns of Hierusalem, by Benedict Bishop of Rochester, where, intending to reserue the portion of Crankburie in the same Parish of Hadlo to the Prior and Couent of Rochester, hee saith, 'Saluo iure eorum qui in præfata Parochia, decimas a Matrice Ecclesia separatatas, habere consue



uerunt.' . . .

231

Yet here out of our Records, let mee tell him, that Anno 1255. the Prior and Monkes of Rochester, and the Prior or Warden of their Cell at Filchstow in Walton in the Diocesse of Norwich, did present one Stephen Banaster to the Church of Tremlegh, 'officiæli tunc vices Episcopi Norwicensis gerenti,' whom the Officiall instituted; and yet Iohn the Bishop thereof before, had in his confirmation said 'Ecclesiam de Tremblega plenolure cum omnibus pertinentibus pertinere ad Priorem & Monachos de Waleton;' That the Church of Trembleigh did belong 'Plenolure' to the Monkes of Walton. But I conceiue therein, 'pleno lure' rather to be distinguished from 'non per vices' or, 'non ex compræsentatione alterius,' then otherwise; though I contradict not the opinion of the Canonists, who say, a conueyance of Churches 'pleno lure,' to be of the right of Institution and Destitution, . . .

<232> 236

In the Chartularies of the Priory of Leeds, obserue, how in the Appropriation by Theobald Archbishop, of the Church of Eslings in the Diocesse of Canterbury, it is thus; 'Rogauit nos Alicia de Eslings, quæ fuit vxor Radulfi de Cicestria, vt Ecclesiam de Eslings, quæ in fundo eius sita est, Monasterio & Canonis Regularibus de Leeds, in perpetuam eleemosynam concederemus, nam & illa, quantum ad se spectabat, in præsentia nostra, temporalia iis perpetualiter concessit;' Alice of Eslings, that was the wife of Ralfe of Chichester, entreated vs, that I would graunt to the Monasterie, and Canons Regular of Leeds, in perpetuall Almes, the Church of Eslings, which is founded in her lands: for she, in what appertained to her, in our presence, gaue the Temporalities for euer. And then upon Resignation of the Incumbent, he doth Canonically inuest them with it. All the rest are such like. . .

234

. . . Yet about that time there is a Record vnder seale, where not only the Bishop and his Officers are neglected, but euen the Patron also; and a Church was vsurped, and the Title trauersed before the Delegates of the Pope, euen against the right of both Bishop and Patron conueied to the Church of Rochester: The whole cause is certified to Pope Vrban the 3. by Gilbert Foliot Bishop of London, in whose Diocesse the Church was, Anno. 1184. fiue yeares after that Councell vnder Alexander 3. Which for the vnusuall claime pretended by the vsurper, and the reference of a Regular course of presentation to the time before that Councell, I will wholly propose. 'Patri suo & Domino summo Dei gratia pontifici Vrbano, Frater Gilbertus eadem gratia London. Ecclesiæ Minister, Salutem & debitum prompta deuotione famulatum. Celsitudini vestræ, pater Sancte duximus intimandum, quod cum dilectus in Christo filius, R. Clericus de Stiford, qui in Ecclesia de Stiford petitione & præsentatione militis cuiusdam illius Ecclesiæ Patroni Gilleberti Malet personam constitueramus, eandem Ecclesiam spontanea voluntate in manus nostras absolute resignasset: idem ad nos miles accedens Priorem Roffensis Ecclesiæ ad eandem vacantem Ecclesiam præsentauit, asserens se eidem Priori & Ecclesiæ Roffensi eandem Ecclesiam vt Patronum Diuino intuitu concessisse, vnde concessionem suam autoritate Episcopali instanter a nobis petiit confirmari, & præfatum Priorem & conuentum, ad eandem Ecclesiam admitti: Communicato igitur super hoc prudentium virorum consilio, præfatam militis concessi-

In Chartul.  
Eccle. Roffens.

onem gratam habuimus & acceptam, & præfatos Priorem & conuentum Roffensem, in præmemorata Ecclesia solemniter instituentes, concessionem sibi factam & eorum institutionem scripti nostri Authentici conscriptione roborauimus: procedente vero tempore ad aures nostras peruenit, Canonicum quendam I. de Blakemora in nostra Diœcesi constitutum, prædicto Priori & conuentui de Rofa super sæpe dicta Ecclesia de Stiford controuersiam mouere, ipsisque occasione cuiusdam possessionis quam se nactum fuisse

235

proponere, ad audientiam quorundam Iudicum a celsitudine vestra Delegatorum traxisse, cum ante, tam a nobis, quam coram ipsis iudicibus sæpius esset requisitus, an possessionem præfatæ Ecclesiæ quam petebat, autoritate Episcopali, aut Officialium eius & consensu patroni obtinisset: Nec consensum patroni pro se voluit allegare, nec possessionem vt Canonice adeptam reperere, sed nudæ & simplici quorundam laicorum assertioni ad hærens, qui eum tempore quo præfatæ Ecclesiæ firmarius extitit, fructus & Decimas ad eandem Ecclesiam pertinentes percepisse affirmant, eorum abutens simplicitate, & ipsam ad assertionem quia prius obtentæ possessionis, malitiose detorquens, possessionem præfatæ Ecclesiæ, seu canonica sit siue non, mandati vestri obtentu, sibi postulabat assignari, Nouerit ergo vestra serenitas, nos permitte Domino in Regimine London. Ecclesiæ 23. annorum persequeretur curriculum, nec aliquo vnquam nobis patuit indicio, præfatum I. in prætaxata Ecclesia Canonicam institutionem, aut iustam possessionem per aliquem nactum fuisse, cuius autoritate possessionem Ecclesiæ iuste potuisset obtinere. Hanc autem rei veritatis seriem sublimitati vestre significamus, ne per eius suppressionem discretionem vestram maliciose circumueniri permittamus. Paternitatem vestram custodiat omnipotens Dominus per longa tempora incolumem, pater Sancte. Because the vsurper could prooue by witnesses that he receiued the fruits and Tithes of such a Church (which yet he receiued but as farmer not as incumbent) hee pretended possession, and thereupon got a mandate from the Pope, although he could not pretend either the authority of the Bishop in any institution, or consent of the Patron. From such abuses, I hope no righfull practise either then or now ought to be inferred. . . .

236

In Regist. Episc.  
Roffens.

But to giue knowledge, what 'Certum beneficium' doth signifie, obserue the words of a composition by Gilbert Glanuil Bishop of Rochester; concerning the Aduowson of Mereworth, betweene Roger of Mereworth, and the Prior and Couent of Leeds after a suite for it in 'Curia Domini Regis.' The Bishop giueth the right of Patronage to Roger of Mereworth, and vpon his presentation admitted one Martin a Clerke to the same Church; and addeth, 'Concessimus etiam de assensu & voluntate prædictorum Rogeri de Mereworth & Martini Personæ de Mereworth, priori & Canonicis de Ledis, 40. solidos nomine perpetui beneficii, non nomine pensionis, in Ecclesia de Mereworth, per manum Martini personæ recipiendos, & post eius decessum per manus illorum qui pro tempore fuerint personæ, — Iurauit etiam prædictus Martinus se fideliter soluturum beneficium illud prædictis Canonicis.' Here such a 'beneficium' was imposed by the grant of Bishop, Patron & Incumbent, . . .

237

. . . if this pension (which is most likely) was paid to them before and were an old one, for, the making faith, both to Bishop and Couent for such performance was vsuall, many are extant in our Registers. And in the confirma-

tion of Bishop Gilbert Glanuill to his Monasterie, obserue these words, when hauing expressed many pensions, hee ad= deth, 'Et ne in prætaxatis pensionibus percipiendis possit aliquod præ= iudicium dictis Monachis imminere, vel difficultas soluendi: Vo= lumus & firmiter constituimus — vt omnes Rectores a nobis in e=

238

isdem constituti, vel a nobis & Successoribus nostris in perpetuum instituendi, de pensionibus prædictis fideliter & sine difficultate per= soluendis, ipsis Monachis in Capitulo suo fidelitatem faciant præ= stito Sacramento, &c,' And lest in the receiuing the foresaid pensions, any preiudice may arise to the Monkes, or difficultie of payment, we will and firmly ordayne — that all Parsons placed therein by vs or our successors for euer, shall take an oath of fidelitie in the Chapter house, to pay the said pensions, faithfully and readily. . . .

. . . And how

Bishops were interested in the grants and confirmations of Parsons, it may in some sort appeare, by a confirmation of the Prior and Couent of Rochester, to the Prior and Couent of Norwich, of such lands, Pensions, &c. which they had in the Diocese of Rochester, where, after the confirmation of the gift of Hubert de Sancto Claro, and of the confirmation of William de Lanney concerning lands and rent, and stocke, and the Aduowson of the Church of Chalke, 'sicut in eorum Char= tis continetur;' it followeth immediately, 'Insuper 40. solidos no= mine pensionis annuatim percipiendos de dicta Ecclesia quos — Be= neditus quondam Roffensis Antistes dictis Priori & conuen= tui per Chartam suam concessit: nec non concessionem collatio= nem & confirmationem centum solidorum nomine pensionis de dicta Ecclesia annuatim percipiend. quos Ricardus quondam Roffensis Episcopus eisdem concessit & contulit & per Char= tam suam confirmauit. Collationem etiam totius Ecclesiæ de Chalks prædictæ, cum omnibus ad eam spectantibus quam præno= minatus Gilebertus quondam Roffensis Episcopus sæpedictis Pri= ori & Monachis, per Chartam suam fecit, Nos — confirmamus. Datum — 1260.' so that vndoubtedly this pension was con= firmed by the Bishop, . . .

In Chart. Eccle.  
Roff.

247

But to that, let me adde some out of our Chartularies.

In the confirmation of William Archbishop 1131. There it is said, 'Decimas de Modingham, de quibus per Rectorem de Eltham, coram nobis fuerint impetiti, propterea ex concilio & as= sensu Iurisperitorum nobis assidentium, iisdem Monachis adiudica= mus,' The Tithes of Modingham about which they were im= pleaded before vs by the Parson of Eltham, wherefore by the Councill and assent of our Lawyers assessors with vs in the businesse, we adiudge them to the same Monkes: This in the dayes of Henry the first. So Theobaldus in the confirmation to the Priorie of Leeds, 'præcipue Decimam de Summerfelda quam in Synodo Cantuariæ ante nostram presentiam in iudicio di= ctus Prior disrationauit,' Especially the Tithes of Sumerfeld which in a Consistorie at Canterburie, the same Prior before our presence did euict. So Richard Archbishop Anno 1177. made his confirmation vpon occasion of the suite before him, for the Portion of Geddings.

Some others might be produced . . .

1 <sig 2A>

PHILOLOGICALL  
PASSAGES EXAMINED.

... Onely

two or three bookes, and some few though ancient Records of the poore Church and Bishopricke of Rochester, besides the common published authors of the middle age, make me able and bold to say ...

2

Ad pag. 202.

Concerning the Synod at Cealchithe ...

... This may he know, that in our 'Textus Roffensis per Ernulphum Episcopum,' there are two Grants of King Offa, the one of Bromgehege, and the other of lands in Rochester to this Church, vnder both which, is subscribed thus, 'Actum anno Dominicæ incarnationis \*786. Indict. 12. in loco qui nominatur

r. '789'

3

Celcyhyth, Ego Offa Rex Merciorum hanc donationem meam in signo Sanctæ Crucis roboravi + Ego Ecgfridus Rex consensi ac subscripsi + Ego Iænberthus gratia Dei Archiepiscopus consentiens subscripsi + Ego Hygebercht Archiepiscopus subscripsi + Ego Ceoluulf Episcopus subscripsi + Ego Heardred Episcopus subscripsi + Ego Vnuona Episcopus subscripsi + Ego Cyneberht Episcopus subscripsi + Ego Algheard Episcopus subscripsi + Ego Waermund Episcopus subscripsi + Ego Edgar Episcopus subscripsi + Ego Weohtun subscripsi + Signum manus Ealhmundi Abbatis + Signum manus Beonnan Abbatis;' (there are eleuen more who subscribe, which because they haue no title I mention not, though they might be Clergie men.) May not these seeme to haue bene at Celchyth as in a Councell? ...

5

Ex Regist  
Epis. Roffens

... Like to which I could tell him also how in the Diocesse of Rochester the Prior and brethren of Saint Iohns of Hierusalem were inducted to the Church of Tunbridge 'per traditionem Calicis & Clauium Ecclesiæ,' by the deliuerie of the Chalice and keyes of the Church. ...

In Chartul.  
Epis. Roffens.

... For his better instruction therefore, he may know, that in 'Textus Roffensis,' in the Codicell (for so anciently they are called, the name of 'Chartæ' comming in with the Normans) of Sigereðus who was 'Rex dimidiæ partis Prouinciæ Cantuariorum,' who in the grant of Eslingaham to Eardulfus Bishop of Rochester about the yeare 764. saith thus: 'Placuit mihi hanc paginam condere, & vna cum cespite terræ prædictæ, tradere tibi, per quam non solum omnibus meis successoribus Regum siue Principum, sed etiam mihi ipsi penitus interdico, ne aliter quam nunc a me constitutum est, vllo tempore de eadem terra

6

quippiam agere audeant.' I was willing to make this grant, and together with a Turffe of the same earth to deliuer it to thee, whereby I barre not onely my successors, but euen my selfe also, that none dare to alter my determination. ...

7

In textu Roffens  
passim.

... Or may it not be, that desiring for the reward of his dotation, that he might be receiued into the societie of the whole order, and that in 'die mortis pannos ei induant Monachicos, & faciant ei seruitium sicut pro Monacho' (which are often the conditions & requests of Lay donors, which yet after continued lay:) therefore this might seeme an initiation thereto by this prime tonsure, whereby he might seeme to receiue their societie? So, one Walter Tirell (it may be the same who by chance slue William Rufus) Lord of some Tenants who

had giuen lands to the Church of Rochester, confirmed their grants, and 'pro concessione,' (saith 'Textus Roffensis') 'accepit societatem nostram, & etiam post acceptam societatem posuit cultellum suum super altare Sancti Andreae.' For that grant he receiued our societie, and after the receipt of our societie, he laid his knife vpon the altar of Saint Andrew. Might not that knife be that wherewith his haire was cut, . . .

13

In Textu  
Roffens.

Ibid. in placito  
pro Wulstano  
deham apud  
Earheth.

. . . such as Agelricus the Bishop of Chichester was, who by the command of the Conqueror was sent to the pleading at Pinenden betweene Lanfranke and Odo of Bayeux Earle of Kent, where Agelricus is stiled, 'vir Antiquissimus & legum terræ sapientissimus, qui ex præcepto Regis aduectus ad ipsas antiquas legum consuetudines discutiendas & edocendas.' Or such as Wulstanius the Priest in the dayes of King Edgar, 'qui tunc vocatus est Scirman, id est, Iudex comitatus ad opus Regis.' . . .

16

. . . And yet that luo his Decrees were at that time hither brought, may appeare by a Catalogue of the bookes belonging to the Priorie of Rochester then, to which the additions are as ancient as the time of Asceline Bishop, who was Bishop there both before Theobalde the Archbishop his returne and after, and there is it thus writte, 'Collectiones Ecclesiasticarum regularum Domini Iuonis Carnotensis.' . . .

<17> <sig 2B>

AN ANSWER  
TO M. SELDEN VNPRINTED  
PAMPHLET AGAINST  
the Animaduersions vpon the  
Historie of Tythes.

BY RICHARD TILLESLEY DOCTOR  
IN DIVINITIE, AND ARCHDEACON  
of Rochester, and sometimes Fellow of Saint  
Iohn Baptists Colledge in Oxford.

. . .

LONDON,  
Printed for Arthur Iohnson.  
1621.

19

. . . (Mine I confesse is more faultie, and my hast and the Printers, left more to be corrected in this second Edition then bare letters.) . . .

20

. . . haue patience (if thou maist) courteous Reader, and vouchsafe to read his Pamphlet, which faithfully and fully is here deliuered according to the Copie which came vnto my hand, and which is acknowledged by him to be his owne intended Reply. . . .

31

<Selden>

. . . Yet he tells you (as if he talkes of himselfe) that there are that can trace my footsteps. For ought he knowes there are: but, for so much as I know, he is none of them, and yet charitably to haue helpt the Doctor here, when I first heard of his

32

*booke ready to be licenced, hauing neuer had any acquaintance with him, I wisht one of his Printers men to tell him from me, that there was not a booke either of mine owne or of my friends, which I had vsed in that Historie, but should at his pleasure be ready for his vse, that he might be the better furnisht to strike home to me. I am not sure whether the message were deliuered or no, but I protest from my heart he should haue had them, and I professe so much yet, to any man that hopes for a discouery of any false Authoritie cyted by me, so cleerely secure I am of mine owne faith in what I haue performed. . . .*

90

*. . . because he sees not the Chartularies: his lodging was neare enough to all those Chartularies, and he might haue seene them at his pleasure. But indeed . . .*

. . . And if my lodging had bene nearer those Chartularies, yet I must professe, I was not desirous to be beholding to M. Selden for such direction, . . .

112

. . . And for some more confirmation of the generall custome to be agreeable to that specified in the Church of Rochester; May it please the Reader take notice how it was so in Religious houses in the Diocesse of Rochester, namely, that 'ab initio' the Bishops or Pope did grant and confirme all Churches and portions of Tythes, conueyed vnto such Religious houses: For so it was in the Nunnerie of Mallings founded by Gundulphus, where the portions of Tythes giuen, haue the confirmation of

113

himselfe and successors, and of Anselme, William, Ralfe, Archbishops.

Ex Regist. E=  
pisc. Roffens.

So it was in the Priorie at Tunbridge, where the Founder Richard de Clare, Earle of Glocester and Hereford intreated the confirmation of Pope Celestine 3. An. 1191. concerning Churches and Tythes.

So it was in the Hospitall in Strodes, builded by Gilbert Gantill Bishop of Rochester, to which besides his owne confirmation, both the confirmations of the King and Archbishop were added, and also of the Prior and Couent of Rochester. Nay for particulars therein, the consent of the Parish Rectors was specially mentioned; as for making Strodes a Parish Church and assigning Tythes, the consent of William Parson of Frin-desburie, to which Strodes was a Chappell, is remembred. Also for certaine Tythes 'De noualibus in confinio Parochiarum Ecclesie de Darentford & Wilminton,' in the confirmations of the King Richard 1. and the Archbishop, it is said, 'De assensu & voluntate vtriusque Ecclesie personæ,' that is, of Dartford and Sutton, to which Wilminton was a Chappell; and indeed the grants of these Parsons are extant, vnder their seales, and after shall be repeated.

Inter Mu=  
nim. Eccl.

Ibid.

Out of the Diocesse of Rochester, so it was in the Priorie of Leeds founded by Robert de Creuequeur, for concerning Churches and Tythes, the confirmations by William then Archbishop, and his successors vnto Stephen Langton, together with the Charters of the Laydonors, are expressed in a Charter of confirmation by the Prior and Couent of Canterbury Anno 1314.

Ibidem.

So it was in the Priorie of Saint Iohn Baptist at Colechester, founded circa annum 1105. by Eudo Sewer to Henry 1. For it appeareth, that certaine Tythes belonging thereto in the Diocesse of Rochester, besides, the after confirmation of Alexan-

der 3. had the confirmation of Gundulphus then Bishop of Rochester, as the Prior and Couent of Rochester do testifie in their confirmations, repeating the same out of the confirmation of Henry Bishop of Rochester, wherein it is thus, 'Nec=

114

non & confirmatione Prædecessoris nostri Gundulphi.'

Not onely therefore in the Priorie of Rochester, but elsewhere ...

... but in that Charter of Gundulphus is no word of lands, though there be a several Charter of his, of lands giuen by himselfe, and seuered from the Bishopricke. ...

... yet in the Record before to which it is referred, it plainly appeares that those portions were giuen to the Bishop first, 'Gundulphus iis contulit & concessit decimas, ex dono Patronorum, accedente consensu Rectorum,' Gundulphus collated and granted Tythes to the Monkes, of the gift of the Patron, together with the consent of the Incumbents. ...

120

... of which obserue an example: The grant of Gilbert Parson of Sutton is wholly expressed (to whose Church Wil-  
minton was then a Chappell) which I will exscribe: 'Omnibus Christi fidelibus &c. Gilbertus persona de Sutton, salutem in Do=

121

nino, notum vobis facio quod Gilbertus Roffensis Episcopus de assensu meo & voluntate, dedit & concessit, & in perpetuam Eleemosynam assignauit Hospitali domui de Strodes, in sustentationem pauperum, decimas Noualium, in confinio parochiarum de Wiliminton & Darentford de omnibus terris quas Canonici de Lesnes & eorum tenentes, ibidem de nouo excoluerint vel imposterum excolent. Et vt illa concessio firma sit & perpetuo duratura, quantum ad me spectat & Ecclesiam meam de Sutton, sigilli mei testimonium duxi apponendum. Testibus his Willielmo Roffensi Archidiacono, &c. Anno primo postquam Hubertus electus est in Cantuariensem Archiepiscopum.' This is in the Register of the Bishops of Rochester, fol. 7. and is amongst the Records of the Church of Rochester vnder seale: And also the like of Robert de Burnd Parson of Darentford: the one Parson being witness to the others grant. ...

... In the Register of the Bishop of Rochester, obserue these two examples: first how in the appropriation of Chalkes to the Priorie of Norwich, there xii. d. is imposed vpon the Rector for the time being, yet with this clause, 'Dum tamen ipsius Rectoris & voluntas, & consensus affuerit in præmissis,' that is, euen his consent to the appropriation. The grant of a Parson of Koclestan is fully set downe in the Register of the Bishop of Rochester, fol. 6. A. thus. 'Omnibus Christi fidelibus, &c. Thomas persona Ecclesiæ de Koclestan, salutem. Nouerit vniuersitas vestra, me concessisse domui hospitalis beatæ Mariæ de Strodes, donationem & confirmationem decem solidorum de Ecclesia mea de Koclestan, quos Dominus Gilbertus Roffensis Episcopus' (who was Patron as well as Ordinarie) 'prædictæ domui Hospitalis singulis annis in perpetuum ad oleum & ad luminare a me, & a successoribus meis eiusdem Ecclesiæ de Koclestan Rectoribus persoluendos assignauit, videlicet ad festum Sancti Mi=

122

chaelis. 5. solidos, & ad Pascha. 5. solidos, & vt hæc mea donatio

& concessio perpetuæ firmitatis robur obtineat, eam præsentî scrip=  
to sigilli mei appositione duxi roborandam. His testibus Willielmo  
Roffensi Archidiacono. Magistro Roberto officiali Episcopi, &c.’  
To this, another Parson of Koclestane had reference, who Anno  
1295. hauing denied to pay to the Hospitall of Strodes this  
pension of x. s. per annum, after a suite, he maketh this ac=  
knowledgement before the Bishop to pay it, in these words:  
‘Recitatis in iudicio ordinatione Gilberti Episcopi Roffensis, & qui=  
busdam aliis literis quorundam Rectorum, meorum in dicta Eccle=  
sia prædecessorum.’ . . .

<125> 123

. . . As also I can certifie him of a  
Leiger booke belonging to the Church of Rochester, written  
after the 13. of Richard 2. Anno 1390. 170. yeares after King  
Iohn, whereinto almost all the particular Charters of Laydonors  
are transcribed according as himselfe hath recited them, . . .

In a cause betweene Richard Vicar ‘Sanctæ Mariæ de Castello,’  
and the Prior of Rochester for the Tythe of an Acre of land,  
which cause was committed by the Pope, after appeale, to the  
Abbot and Prior of Fauresham, & the Deane of Sidingburne,

<126> 124

there is specified in their sentence, ‘Quam prædecessores Iohannis  
de Dudindale contulerunt.’ This was 1231.

In a cause concerning the portion of Modingham, be=  
tweene Stephen Parson of Chiselherst and the Prior of Ro=  
chester, in a pleading before M. Robert Norton, ‘Causarum Cu=  
riæ Auditore,’ to Walter the Archbishop; the confirmation of  
William the Archbishop 1131. the sentence of Richard Arch=  
bishop 1170. are entred; in both which Ansgotus is remem=  
bred as donor; this was Anno. 1316. Besides, there are many  
exemplifications of late times of the Charters of Bishops and  
Archbishops vpon seuerall occasions, in which the donors are  
specified. Nay the Prior and Couent of Canterbury did set  
their seale to an exemplification of all the Charters both of  
lay patrons and Archbishops to the Church of Leeds, euen of  
eleuen confirmations of Archbishops wholly expressed, and  
the Charters of the Creuequeurs and others are not concealed,  
but ‘ad perpetuam rei memoriam,’ are fully repeated ‘ad verbum:’  
and this in anno. 1314. Why did Iohn Westerham in his compi=  
lation of the ‘Custumale Ecclesiæ Roffensis,’ about the same yeare,  
Register their names vnder the title ‘datores decimarum’? Concer=  
ning a pension out of the Church of Retherfield in Sussex to the  
Priorie of Rochester, in a suite betweene the Rector thereof  
and the Prior, before Iohn the Archbishop Anno 1282. vpon  
the inspection of the grants of King William, Anselme Arch=  
bishop, Siffride Bishop of Chichester, and of Gilbert de Tone=  
brege, Earle of Glocester and Hereford, (besides the intima=  
tion of the consent of the Incumbent) which are there wholly ex=  
pressed; the Archbishop doth make dimission of the title of the  
Prior; and this pleading also is exemplified at the request of the  
Celerer and Sacristein of the Church of Rochester, by Philip de  
Argentina notarie Apostolike euen anno 1467. Can M. Selden  
thinke . . .

<140>

Errata.

p. 215. l. 17. contineri.  
Pag. 2. l. vlt. 789.



<Within two years, Tillesley was ready with a second edition of his book. The man who had printed the first edition refused to print the second; Tillesley found another publisher. As well as making corrections and large additions to the previously printed text, he attached three new appendixes to the end of it. The second appendix (which has its own title page and is much the longest of the three) is Tillesley's rejoinder to Selden's remarks about the first edition. Though Selden had been instructed to publish nothing further on the subject of tithes, he wrote an unkind review of Tillesley's book and let it circulate in manuscript; Tillesley got hold of a copy and decided to put it into print, interspersing Selden's comments with countercomments of his own. It is hard to think that this was a sensible decision. Among the additions made here, more documents from Rochester are cited; some of them are quoted in full. Again it is clear that Tillesley saw a number of items which subsequently disappeared – not just some individual documents but also an important cartulary. He calls it the 'Chartul. Eccle. Roffens.' (not the same thing as the 'Chartul. Episc. Roffens.' which is still in existence (CKS-DRb/A/r/2).) From what he says about it, it appears that this cartulary was compiled at or after the end of the fourteenth century; it contained all the documents cited by Selden from the Domitian cartulary, and (so it seems) much other material too. As far as I know, Tillesley was the last person to see it, or at least the last person to make use of it. This file includes all the Rochester-related passages, plus a few others which I think the reader may enjoy. It is, however, more than a little doubtful whether Tillesley's book should be counted as part of the topographical tradition. Somner cited it once (1640:76), which is how I became aware of its existence; I do not recollect ever seeing it cited elsewhere. – C.F. November 2010.>

<Hasted seems to have remained ignorant of the existence of this book; but I discover that some snippets of information put into print by Tillesley did find their way into Hasted's 'History of Kent', via a second-hand source. When Thomas Comber was compiling his own belated riposte to Selden, 'An historical vindication of the divine right of tithes' (London, 1682, repr 1685), he made use of Tillesley's book (the second edition of it). (He mentions Tillesley here and there, without ever managing to spell his name correctly – 'Teldesly' in the preface, 'Tildesly' elsewhere (pp 180, 200) – but does not give specific references.) Hasted in turn used Comber's book; and the upshot is that some items of evidence cited from Tillesley by Comber are cited from Comber by Hasted (3:545, 5:374). (In the process, a man who was parson of Sutton-at-Hone gets misidentified as a parson of Sutton Valence: that was Hasted's mistake.) – C.F. September 2012.>

<For over a hundred years, Selden's 'Reply' existed only in manuscript. It was first printed by David Wilkins in 1726, in his edition of Selden's collected works (1726, vol 3, cols 1369–86). A fine copy of that edition (thanks to the Boston Public Library) is now available online through <https://archive.org/>. – C.F. December 2013.>