

“Our Faithful Testimony”

The Society of Friends and Tithe Payments,
1690-1730

I

THE Society of Friends was the largest and most influential sect which consistently expressed a philosophical objection to the payment of tithes either to ministers of the Church of England or to lay owners. From the foundations of the organization, through to the debates on the Tithe Commutation Act (1836) and beyond, the Friends' arguments were the same. Compulsory maintenance of a Christian ministry contradicted Christ's command: "Freely ye have received: freely give." The Yearly Meeting of 1832 elaborated this maxim as fully as any earlier meeting. In issuing a "Brief Statement why the Religious Society of Friends Object to the Payment of Tithes", it emphasized that Christ taught:

That the ministry of the Gospel is to be without pecuniary remuneration. As the gift is free, the exercise of it is to be free also . . . The forced maintenance of the ministers is in our view a violation of the great privileges which God, in his wisdom and goodness, bestowed on the human race.¹

Further, the provision for Christian ministers in the form of tithes, not originating in Christ's teaching, must have been introduced—

as superstition and apostacy spread over professing Christendom, and was subsequently enforced by legal authority.

The statement then went on to elaborate the sufferings which Quakers had undergone in defence of their refusal to comply with the laws respecting tithe payment.

It was generally believed that at the end of the seventeenth and the beginning of the eighteenth centuries especially, a great majority of Quakers were undergoing severe persecution for their religious beliefs. Gough, for example, states that:

¹ Minutes of London Yearly Meeting, 1832, Vol. XXIV, pp. 136-152, at Friends House, London.

The distresses and prosecutions for ecclesiastical demands were numerous and many of them exorbitant . . . the rigorous enforcing of the ecclesiastical laws was rarely or never suppressed . . . The number of those plundered, excommunicated, imprisoned, and of those who laid down their lives in prison in consequence of these prosecutions is too large to recite particularly.¹

Alfred W. Braithwaite has analysed the legal remedies available to the tithe-owner in recovering his dues from Friends or others.² Norman Hunt has supplied a much needed corrective to Gough's views when he argued that many, perhaps a majority of Quakers suffered little or no persecution or prosecution as a result of their refusal to pay tithes.³

It is the purpose of this article firstly to examine a little further than Dr. Hunt permitted himself the extent of Quaker compliance in the payment of their tithes and the extent of their persecutions; and secondly, to examine the activities of the Meeting for Sufferings, that rich and still largely untapped mine of Quaker social history, on behalf of Friends who were suffering from the rigour of the law at a time when prosecutions reached their highest point.

It should be noted that much of the evidence which follows is taken from Staffordshire. Further research on the Quaker attitude to tithe payment would certainly be welcome and it is possible that the evidence from other counties would not support some of the conclusions which follow. This paper can at this stage report no more than the conclusions of an interim study. The present writer hopes that others may attempt similar studies in other areas. Only from a number of local studies will the national picture become clearer. Any conclusions at this stage must be tentative—if not presumptuous.

II

In the first place it is clear that there were Quakers who regularly and continuously paid tithes. Possibly few Friends

¹ J. Gough, *A History of the People called Quakers* (4 Vols., 1789–1790), Vol. II, pp. 414–15. See also: W. E. H. Lecky, *A History of England in the Eighteenth Century* (1879–1880), Vol. I, pp. 260–261, and N. C. Hunt, *Two Early Political Associations* (1961), p. 64, note 2.

² A. W. Braithwaite, “Early tithe prosecutions”, *J.F.H.S.*, XLIX (1960), 148–156.

³ N. C. Hunt, *op. cit.*, pp. 64–72.

gave notice in due form to the tithe owner that the harvest was due and that he should come to collect his tenth. This was the classical manner in which tithes were supposed to be paid; but by the end of the seventeenth century such a form had become the exception rather than the rule even among the community at large, and there were many alternatives open to Friends to connive at payment of their dues. One obvious way was to rent a farm from a landowner who also owned the tithes, thus paying rent and tithe together in a lump sum. The Yearly Meeting, which by its frequent references to concern about payment of tithes clearly indicated the extent of the problem, warned quarterly and monthly meetings in 1693:

Not to let fall their Testimony agst. Tythes by Agreeing with Landlords in taking of their farmes or Houses Tythe free, by paying on that Acct. more Rent or any indirect way, or by neglecting to bring in an Account when but little is taken.¹

The Epistle of the Yearly Meeting of 1698 found it necessary to repeat the warning that the testimony:

May not be avoided and shunned by any indirect ways or courses with landlords, or otherwise.²

One of the most convenient "indirect ways" which could be employed was for a neighbour to ease a Friend's conscience by paying his tithe for him at the same time as his own, in return for a suitable consideration. In some cases the tenth sheaf of corn was removed by a neighbour and given to the tithe collector when he paid his own tithe. The Rev. J. C. Atkinson (1814-1900), Rector of Danby for more than fifty years, remembered the assistance given to Friends in his parish:

Dear old William and his co-religionists never paid a penny of the "cess" [rate] they were liable for. But somehow or other, when the churchwardens went their collecting rounds, a sheaf or two of corn, of an approximate value to the sum set down against their names, stood handy to the said churchwardens' hands, and no inquiry was ever made as to the person who had "conveyed" the Quakers' corn.³

¹ M.Y.M., 5.iv.1693, Vol. I, p. 339.

² *Epistles from the Yearly Meeting of Friends* (1858), Vol. I, p. 91; 1698.

³ J. C. Atkinson: *Forty Years in a Moorland Parish . . . Danby in Cleveland* (1923), p. 224. (For William Hartas (1784-1864) see George Baker, *Unhistoric acts* [1906], and pp. 166-168 in particular [Ed.])

None the less, such activities were just as much breaches of the “faithful testimony”. The Yearly Meeting of 1702 thought it necessary to remark:

In many places Advantages are taken upon Friends by making stoppages upon them in way of trade or by Debtors or otherwise or by kindred or Neighbours laying down the money for Tythes or Church Rates . . . and that this way of proceeding Grows & Increases upon Friends in many places.¹

In many cases, neighbours were not slow to come to the help of Friends whom they considered to have been unjustly treated by a tithe owner. A rector or impropiator trying to obtain payment through a court of law might find it difficult to obtain material witnesses to give evidence for him. The Meeting for Sufferings in 1696 learned of many prosecutions in Lincolnshire against Friends in which neighbours refused to give evidence against them.² Richard Simpson of Keele (Staffordshire) found his neighbours similarly helpful. The Book of Sufferings for 1690 noted:

Thomas Worthers, Priest of Keel aforesd. demanded of . . . Richard Symson five shillings and 3d. for small Tithes, and upon his conscientious Refusall to pay it ye sd. Priest comenced a Suit against him, but some of ye Neighbours Compassionating the poor Man’s Case, as ye said Richard was Receiving money at ye Market for Goods Sold, rather than he should goe to prison upon a Surprisall, took of ye money to pay ye Priest and satisfie ye Law to ye Value of one pound fourteen shillings.³

William Williams, the vicar of Rye (Sussex) found an even more startling mode of community sanction against his attempt to impose tithe of fish in 1697 on a local Quaker, William Oake. With a warrant from the local Justices of the Peace, parish constables took from Oake’s house in lieu of the tithe:

46 lb. of new Pewter wch. cost him 10d. per lb. and also a new Table which cost him 10s. in all 48s. 8d. for about 16s. 3d. demanded of wch. 4s. 1½d. was but the Priests pretended due.

The neighbours frustrated the vicar’s attempt, because, as the report continued:

¹ M.Y.M., 19.iii.1702, Vol. III, p. 69.

² Minutes of the Meetings for Sufferings (Friends House), Vol. XI, p. 59.

³ Book of Sufferings, Friends House Library, 1690. Vol. VII, Staffs.

The Country people Refused to buy any of the sd. Goods, giving out they were stoln.¹

Most Quakers, however, despite the possibility of such assistance, refused to risk the prospect of legal proceedings. The Minutes of the Yearly Meetings are full of doleful reports from the various county representatives that Friends preferred meek compliance to the rigours of the law. The following, from Staffordshire in 1718, may be taken as typical:

We ought to acknowledge . . . some few of those whose understandings are not so clearly convinced as might be wished of the unlawfulness of paying Tythes, especially those called Improperiate.²

By 1728 a combination of continued backsliding together with the need to amass suitably horrifying evidence in the long campaign to exempt Friends from all but summary jurisdiction for non-payment of tithe,³ caused the whole problem to be thrashed out at length by the Meeting for Sufferings. Learning that: "some under our profession in ye Countyes declare themselves not convinced in Jugdmt. as to non-paymt. of them" the Meeting set up a committee to inspect all books and treatises published on the subject of tithes and to:

reprint such passages as appear most strong and Pertinent to ye Poynt . . . adding such advice from themselves as they may think necessary for ye Enforceing ye Reasons and Arguements therein contained for ye support of this our said Christian testimony.⁴

One aspect of Quaker tithe payment in these years which has been little remarked upon is the frequency with which incumbents and impropiators took the tithe in kind from Friends without being asked, and without any warrant. Technically this was illegal, as the tithe owner had to be notified of the crop's readiness before being allowed to take his tenth. If he entered a man's field before being told that the crop was ready, then he was guilty of trespass and could be

¹ M.M.S. 17.xi. 1696/7, Vol. XI, p. 125. No further information is forthcoming on this case.

² M.Y.M., Vol. V, p. 327.

³ For which, see N. C. Hunt, *op. cit.*, Chapter VI, *passim*.

⁴ M.M.S., 28.iv.1728, Vol. XXIV, pp. 221-222.

prosecuted in the common law courts.¹ Reference to the Books of Sufferings, however, indicates that it was precisely this mode of procedure which was the most common method of tithing Quakers in this period. The Quaker would, of course, not offer physical resistance, as others were likely to do if such a procedure were adopted. Indeed, it may well have been that tithing without permission was in most cases the most satisfactory arrangement for both sides. The Quaker's conscience was salved. He could not be said to have connived at the payment of his tithe. The tithe owner, for his part, would generally prefer a summary means of taking his dues rather than embark on what could be a long and tortuous procedure in the courts, at considerable expense to himself. He could be sure that the Friend would not invoke the law against him, provided that only his tenth were taken. There may, in fact, have been explicit agreements to this effect. At all events the summary mode of proceeding seems to have been the most popular.

An analysis of the sufferings of Staffordshire Friends in the period 1690-1730, for example, reveals that in only 7.2 per cent of cases were official legal proceedings resorted to to obtain payment.² In the great majority of cases, therefore, tithes appear to have been taken without process of law.

Table 1.³

Dates	Total sufferings	In court	Im- prisoned	By Warrant of J.P.s (after 1696)
1690-1699	89	3	1	2
1700-1709	117	3	2	4
1710-1719	142	0	0	9
1720-1729	142	0	0	11
	490	6	3	26

¹ The best guides to the enormous complexities of tithe legislation are still the contemporary legal treatises. See especially R. Burn, *Ecclesiastical Law* (3 vols., 1767) and H. Gwillim, *A Collection of Acts and Records . . . Respecting Tithes* (1801). Useful also are H. Easterby, *A History of the Law of Tithes in England* (1888) and P. W. Millard, *The Law of Tithe Rentcharge* (1938).

² Books of Sufferings, Staffs (and Worcestershire for some Black Country areas), Vols, 7-17.

³ The number of court cases given in this table differs from that given in the *Brief Account of Many of the Prosecutions of People call'd Quakers* (1736) (Friends House Tract, 145/1). That pamphlet states that 10 cases were begun in Court. The Books of Sufferings do not note the other four and it is impossible to check on where the anonymous author obtained his evidence.

These figures, admittedly, must be treated with caution. The Yearly Meeting often complained that lists of sufferings were not complete, and it may well be that the total number of sufferings should be higher. The over-all trend, however, remains abundantly clear. The sufferings list the name of the individual Friend, where he lived, and the suffering (generally for tithe) sustained. A typical entry is the following from 1690:

William Silvester. Fradley. Aldestrey Had taken from him for Tithes by Walter Spooner Farmer of Tithes, Wool, Hay and Corn. 7s.¹

Staffordshire Friends seem throughout to have been scrupulous about the manner in which they entered sufferings. If any legal proceedings were taken, then these were recorded as an integral part of the entry. It seems highly unlikely therefore that more legal actions were undertaken than appears in Table I. As if to emphasize that the prevailing arrangement was not entirely obnoxious to Staffordshire Friends, it is quite common to find a codicil to the suffering, indicating that the tithe owner had not taken more than was his due. After 10 distraints taken from 9 friends in 1694 totalling £15 13s. od. it was noted: "That the Tythes were taken from the aforesd. friends Exceeded not the pretended dues, as near as could be estimated."²

This apparently easy accommodation in many places in Staffordshire should not, however, obscure the fact that many Friends in the same county do not appear, from the sufferings records, to have been paying tithe at all, and were not prosecuted or distrained upon. It appears that the Quaker community in Staffordshire was at its strongest at the beginning of the period under study, with about 131 Friends' households in the county. By 1735, this had slumped to around 65, and it continued to decline throughout the rest of the century.³ A study of the Sufferings books indicates, however, that even in the 1690s when the Friends

¹ B.S., Vol. VII, 1690, Staffs.

² B.S., Vol. VII, 1694.

³ I am indebted to Mr. Dennis G. Stuart of the University of Keele for this information, and I would like to acknowledge my indebtedness to him also for many other ideas about Staffordshire Friends drawn from his exhaustive knowledge of the area.

were at their most numerous, no more than a dozen names appear in any one year, and the average for the period 1690–1699 is eight. The contrast with the total number of households is very striking.

Three explanations may be offered. In the first place, many Friends were concentrated in the town areas of Leek and Stafford. The tithe of towns, as Christopher Hill has shown for an earlier period tended¹ anyway to be negligible, consisting only of small payments of a penny or two for “Easter Dues”, and certain other small money payments in lieu of the tithe of garden produce. If Quakers refused to pay these small dues, as many would, then the tithe owner had to consider whether it was worth while to pursue his claim. In many cases, especially before the Acts of 1696, the answer would definitely be “No”. Secondly, many Staffordshire Friends seem to have been occupying tithe-free lands. Indeed, by 1740 one Staffordshire representative to the Yearly Meeting went so far as to argue that “most lands” in the county occupied by Friends were tithe-free.² In the earlier period it is very doubtful whether this could have been so. However, for fortunate Friends having tithe-free lands, there could be no crisis of conscience. For Friends occupying titheable land away from the towns, the problem of why no sufferings were recorded is more complex. As has been suggested earlier, some may have paid surreptitiously. Others might have farmed land which produced insufficient titheable goods to make prosecution or distraint feasible, while certain incumbents may genuinely have felt that, where the sums involved were not large, the conscience of the Quaker should be respected. Many vicars wrote that in any case they took in tithe far less than was actually their right, in order to preserve some kind of effective ministry and to avoid constant bickering. There is no reason to regard every eighteenth-century clergyman as avaricious and ready to grasp the last tithe penny. The differing characters of clergymen are essentially unquantifiable factors, but they clearly played their part. All in all, there can be no doubt that many Quakers were able to avoid payment of any tithe without damage either to their conscience or their pocket.

¹ J. E. C. Hill, *Economic Problems of the Church* (1956), Chapters V and VI, *passim*.

² M.Y.M., Vol. VIII, p. 511, 1740.

The two Tithe Acts of 1696¹ provided an easier remedy for recovery of tithes from Friends and others, in the form of summary jurisdiction before two Justices of the Peace. There can be no doubt that, although much Quaker energy between 1696 and 1736 went into the attempt to make this summary procedure the only legal remedy for the tithe owner, in its optional form it did much to alleviate the sufferings of Friends imprisoned for not complying with the requirements of the various Courts:

Table 2. Numbers of Friends Imprisoned on the Order of Common Law, Ecclesiastical or Equity Courts, 1691-1710 (from Yearly Meeting Epistles)

1691: 80	1696: 97	1701: 37	1706: 33
1692: 111	1697: 44	1702: 37	1707: [Not
1693: [No figure given]	1698: 34	1703: 43	available]
			1708: 27
1694: 132	1699: 37	1704: 31	1709: 16
1695: 134	1700: 40	1705: 27	1710: 12

The dramatic drop in 1696 and 1697 can only be explained by recourse to the provisions of the Acts. Of course, the expenses of the hearing before the Justices had still to be paid for out of the Quaker's goods, but these costs only amounted to a few shillings, instead of the many pounds which could be awarded as costs in courts of law. A typical example of action by distraint is provided from Staffordshire in 1699:

Robert Heath, late of Teane, had taken from him by vertue of a Justice Warrant, Goods to the value of £1. 0. 0 for 5s. demanded by Nath. Taylor, Priest of [C]heckley for his pretended dues.²

Recourse by tithe owners to the Justices seems to have become more common during the early years of the eighteenth century, and the agitation of Friends, leading to the abortive Tithe Bill of 1736, must not be allowed to obscure the fact that the 1696 Acts did provide a large measure of relief as they stood. From the passing of these Acts dates the beginning of the decline of the number of imprisonments

¹ 6 & 7 William III, c. 6 & 34. The Acts permitted warrants of distraint to be issued by two Justices of the Peace, when claims for tithe did not exceed 40s.

² B.S., Vol. IX, Staffs., 1699.

from well over a hundred per year to a mere one, two or three per year by the 1720s and 30s. By the 1730s Quaker stories of long imprisonments and deaths in prison, which litter the pamphlets¹ of the period, are anachronistic by almost a generation.²

III

The pendulum must not be allowed to swing too far, however. In the 1690s, prosecution and persecution was frequent enough to be a constant source of worry to the Meeting for Sufferings, as may be seen from the following letter from Worcestershire in 1690, concerning one William Sankey—one of many which tell much the same kind of story:

That yesterday . . . his old adversary Priest Vernon's Plunderers, to wit John Ashley, his man and two Bayliffs came & took from him for Tythes pretended due to the Priest, nine Cows being all the poor man had, not leaving him one to give milk for his young child, which Cost him abot. Six or Seven and 20/- taken for about seven pounds etc. for a Judgment of 20/-.

Note that the Priest told the friend formerly yt he had as good right to ye tenth as he had to ye ninth & this greedy Priest took 9 Cows for a tenth Cow, the poor Man not having a tenth for him.³

In dealing with problems such as these, the Meeting for Sufferings showed itself to be an extraordinarily flexible body, fertile in ideas and manifesting a high degree of administrative competence which was to serve the Quakers well in their long battles concerning the 1736 Tithe Bill. Above all, it worked as a kind of *ad hoc* legal aid society to Friends undergoing prosecution. The constant plea of Yearly Meeting was for full information about the various prosecutions in different courts. In part, this information was used to gain an adequate knowledge of the extent of sufferings, in

¹ See, for example, the anonymous *A Brief Account of many of the Prosecutions of the People call'd Quakers* (1736); also *A full answer to the Country Parson's Plea against the Quaker's Tythe Bill* (1736); and the numerous "Remarks" and "Defences" which followed, 1736–1741. The Quaker side to the controversy is represented in entries catalogued in Joseph Smith's *Descriptive catalogue*, I, 254–256, under the name of Joseph Besse. The pamphlets are preserved as Friends House Tracts.

² Figures in support come from the records of numbers of Friends in prison given in the Yearly Meeting Epistles (continuing at 5-yearly intervals the series from Table II above): 1715, 9; 1720, 11; 1725, 1; 1730, nil; 1735, 1.

³ M.M.S., 14.ix.1690, Vol. VII, p. 188.

order to have ammunition ready to throw at those in authority for a change in the law respecting tithe prosecutions. It was also most useful for the Meeting for Sufferings to obtain precise information about the technicalities of prosecution, so that the Meeting might first assimilate the complexities of the law relating to these prosecutions, and then give advice on the best means of defending a case. For such information, the Meeting relied on specially appointed county correspondents who sent up relevant information about the prosecutions taking place in the area of their competence. Prompt and efficient notification was of the essence. Essex Quarterly Meeting was reprimanded in 1713 for delaying the sending up of information about action taken against a local Friend, Samuel Parmenter. The Meeting briefed the Essex correspondents to get Parmenter released from gaol if possible, but they were also told to:

write to the Quarterly Meeting that they be more carefull for ye future to give timely Notice here of Prosecutions agst. Friends, the above mentioned friend having lain soe long a prisoner and this Meeting not Informed of it.¹

Armed with prompt knowledge, the Meeting for Sufferings was often able to give more expert legal advice to Friends than was available to any but more affluent laymen, able to purchase the services of an expert attorney. In the first place, the Meeting was able to procure the release from prison of certain Friends, and assist the acquittal of others who by some technicality of the law had been wrongly either cited to court or wrongly proceeded against. The complexities of the law, and the differing procedures in different courts, made this a fairly frequent occurrence. Without access to expert guidance, however, the layman would probably never realize that he had been wrongly proceeded against. Samuel Powell, a Gloucestershire Friend, was imprisoned in 1694 for non-payment of tithes, and the Meeting for Sufferings was informed by the correspondent:

"It's supposed there be severall Errors in the Warrt. of his Commitmt, and yt. he might obtain his Liberty if pleaded at the Assizes there."²

¹ M.M.S., 4.vii.1713, Vol. XXI, p. 87.

² M.M.S., 24.vi.1694, Vol. IX, p. 215.

The Meeting duly instructed the county correspondents to: “advise with Counsell in the said friends Case, if they see meet for his Relief.” Defendants could also on occasion be released if it could be proved that the tithe-owner had claimed too much as his right, or if, when a legal decision in favour of the tithe-owner were given, those empowered to execute it had exceeded their warrant. As in many other cases, the Meeting for Sufferings was able to draw on its experience of similar cases to advise James Stones a Kent Friend imprisoned in 1691. Stones denied liability to the amount of tithe demanded. The Meeting instructed the Kent correspondent:

to know whether the Sequestrators have taken as much or more from ye said J.S. than the sequestration was granted for . . . The way to prevent him from making a further distress will be to move the Court by Councill ye beginning of next terme, that ye Sequestrators may give a true Accot. of what they have taken and what's become of it which hath been found an Effectuall Means to stop them in some other Friends Cases.¹

Many legal problems of a similar nature were submitted to the Meeting for Sufferings. The Meeting generally either advised the Friend, through the county correspondents, the best course open to him, or, on a particularly difficult problem for which the Meeting as yet had no precedent, it would get in touch with a legal expert for his advice. Alternatively, the Meeting would make arrangements to search the legal records themselves. When a Worcestershire Friend was proceeded against in 1691 for not paying a steeple house rate, and arrested by a Writ “De Excommunicato Capiendo”, the Meeting, on hearing of the case, ordered: “That a Search may be made in the Crown Office to see whether she be Legally proceeded against.”²

If it were discovered that proceedings had been taken wrongly, especially if such proceedings resulted in imprisonment, then the wronged person could have redress. The activities of the Meeting for Sufferings and their delegates brought certain cases of wrongful prosecution to light, but the Meeting made it quite clear that they would not countenance any retaliatory legal proceedings. The wronged

¹ M.M.S., 16.xi.1690/1, Vol. VII, p. 209.

² M.M.S., 17.v.1691, Vol. VII, p. 260.

Friend should be satisfied with his liberty or an acquittal. When Thomas Hardcastle, who had been wrongly imprisoned in York Castle in 1692–1693, asked the Meeting's advice as to whether he should prosecute the incumbent of his parish for false imprisonment, the Meeting replied that "they are not for such prosecution".¹

The unexpected legal competence of many Quakers could be a source of great annoyance to a litigious priest. The Cheshire county correspondent related in 1691, that the vicar of Wilmslow, "troubled in his mind" at the release from prison of Jeffery Alcock, upon appeal to the Judge of the Assize, stated:

"If things go thus, Quakers being prosecuted in the Bps. Court and flung in prison and forthwith Released by the Judges, All the small Tyth will be lost etc." And upon hearing of his discharge [he] talked of shutting up the Church Door, [and] Spoke as if he woud Preach no more.²

The vicar of Blyth (Nottinghamshire) in 1694 had had Joseph Sheprees imprisoned for non-payment of tithe, but before legal proceedings were completed, the vicar died. Suitably awed, the county correspondent asked the Meeting:

Whether Joseph Sheprees ought not to be discharged seeing his Adversarye Priest Turner of Blyth is dead, being strangely struck in his Pulpit as he was preaching & being helped home Lived but a few days. Noate yt, a little before he was thus stricken, he Threatened severall other friends he would proceed agst. them and send them to Prison for his Tythes.³

In certain circumstances, the Meeting was willing to defray the expenses of Friends, especially those whose cases were of special value as precedents. The case of William Mote and John Thompson in 1692 was of this description, and the minutes of the Meeting noted:

Samuel Waldenfield brot. to this Meeting ye Accot. of wht. he Expended in Trying the Case of Will. Mote and Jno. Thompson who were Excommunicated for not repairing the Steeplehouse being eight pounds eleven shillings and four pence. And Samuel Waldenfield being desired by this Meeting to take care therein, that soe their Tryall might be as a President for friends in

¹ M.M.S., 26.iii.1693, Vol. VIII, p. 262.

² M.M.S., 8.iii.1691, Vol. VII, p. 241.

³ M.M.S., 21.vii.1694, Vol. IX, p. 225.

Generall in ye like Case & the whole Charge being about fourteen Pounds, The Friends of this Meeting did consent that the above sum of Eight Pounds Eleven Shillings and Fourpence should be repaid.

John Edge has brought in Councillor Fremaine's opinion in the Cases of Steeplehouse repairs and for not setting out of paying small Tythes, and also Exchq. Process, the charge thereon being 20/-. B. Bealing to pay it, Henry Goldney and put it in his Bill and also to enter the said Councill's Opinion in the Book of Presidents.¹

Charges might also be defrayed if the Meeting considered that a Friend had had to bear a particularly heavy burden. John Tomkins, who was imprisoned in the Fleet in 1696–1697, after previously being a prisoner in Carlisle Gaol, and kept a long distance from his family, had his charges paid by the Meeting "in consideracon of his Great Sufferings".²

From time to time, the Meeting issued general advice to Friends on how to proceed if legal steps were taken against them. In 1709, for example, a general advice went out, together with the usual demand for the fullest information to be passed back to the Meeting for consideration:

It is proposed that where any friend is Subpoenad into the Exchq. upon accot. of Tythes, that he or some of his friends doe desire his prosecutor to give him an Account in writing how much his demands are for Tythes—and John Field is desired to deliver this minute to ye Yearly Meet., that it may generally be taken Notice of.³

In 1720, similar advice was given respecting the ecclesiastical court. Defendants were urged, "Always to appear, and demand a Copy of the Libel, that No opportunity be lost for preventing their being run for an Excommunication".⁴

Useful as these directives were, possibly the most effective work done by the Meeting for Sufferings on behalf of Friends prosecuted for non-payment of tithe, was in the field of lobbying influential parties to secure either release or mitigation of sentence—a technique employed with considerable success in the agitation for the Tithe Bill in the 1730s.⁵

¹ M.M.S., 8.v.1692, Vol. VIII, p. 106. The Book of Precedents is more commonly known as the Book of Cases, 4 vol., Friends House Library.

² M.M.S., 19.i.1696/7, Vol. XI, p. 173.

³ M.M.S., 22.ii.1709, Vol. XIX, p. 221.

⁴ M.M.S., 22.ii.1720, vol. XXIII.

⁵ See N. C. Hunt, *op. cit.*

When, for example, Robert Southgate was prosecuted in Norfolk, George Whitehead

spake with the Bp. of the Diocese in the matter, who seemed to be concerned at the severe prosecution and sd. he would write to the Priest abot. it, and let G.W. know wt. he said therein.¹

Heartened by this success, Whitehead immediately referred two other prosecutions to the attention of the Bishop of Norwich.²

The Meeting had tried one step higher in the case of Thomas Pollard, imprisoned in Canterbury Gaol in 1693. Pollard wrote to the Meeting, stating his belief that:

The terme being over and hearing nothing from the Priest makes him conclude that the Priest will continue him in Prison.³

The Meeting referred the matter to William Mead and Theodore Eccleston, directing them to speak with the Archbishop, to try to obtain Pollard's release. There was no immediate response, but a month later two other Kent Friends reported back to the Meeting that they had tried a new line of attack in approaching the Dean or Prebend of Canterbury's sister. Here they were on more fertile, if unorthodox, ground. The good lady:

Acquainted them she had writt to her Brother and recd. his Answer That he was willing to forgive the friend the Tythes demanded Provided he would pay the Court Charges.⁴

Three weeks later, Pollard himself reported joyfully: "That the priest hath let fall his prosecution against him and yt he is at present at liberty from prison".⁵

The Meeting for Sufferings provided legal expertise and a certain influence for the ordinary Quaker which was not available to many others. It was not universally successful. There were Friends who spent years in prison, and many others who could not escape the clutches of a greedy parson. These, however, were by no means typical. It has been argued in this article that the large majority of Quakers did not, in any

¹ M.M.S., 24.xi.1695/6, Vol. X, p. 144.

² *Ibid.*, p. 200.

³ M.M.S., 9.iv.1693, Vol. VIII, p. 266.

⁴ M.M.S., 14.v.1693, Vol. IX, p. 7.

⁵ M.M.S., *ibid.*, p. 13.

case, need to brush with the law for their “faithful testimony” against tithes. Some paid meekly enough. Others contrived to have their payments made for them with no questions asked. More lived in areas where their tithe would be negligible and not worth collecting when even the most meagre resistance was put up. Many, it would appear, suffered the tithe-owner to enter their land and take what was required—an expedient which appears on analysis not to have been abused as much as might have been expected. On balance, community sanctions operated in favour of Friends, who seem to have been mostly popular, and may have deterred the activities of certain tithe-owners. Even when prosecutions were under way there was a chance that the legal knowledge which the Meeting for Sufferings commanded would be too much for an unwary incumbent or impropiator. In any event, the Acts of 1696 made recourse to the more cumbersome machinery of ecclesiastical, common law or equity courts less likely.

By 1730, the worst of the “persecution” was certainly over; and even at its height it was the exception rather than the rule. For most Quakers, the “faithful testimony” required no special privations, even though, as the Epistles of Yearly Meeting pointed out, not a few shirked the responsibility altogether. When persecution did occur, it was more often personality rather than principle that was at stake. A grasping parson and an overtly self-righteous Friend could provoke a crisis. For the majority the techniques of evasion and compromise were well enough advanced to avoid collision. Tithing obligations had become for Friends, as for many other sections of the community, an irritation and a nuisance rather than a real evil. The “faithful testimony” had rapidly lost its worth as a crusading banner.

ERIC J. EVANS