

# The Church of England and the enclosure of England's Open Fields – a Northamptonshire case study.

## Abstract

*This article explores the tithe system in eighteenth-century Northamptonshire. At enclosure, many clergy exchanged their right to take tithe for a portion of the newly enclosed land in the parish. The article argues that while the clergy made financial gains from this, more important was the removal of a recurrent source of dissension with parishioners. As such the article tempers the dominant narrative that emphasizes only the material enrichment of the clergy at enclosure, and sees the social and cultural gulf this opened up between the clergy and their parishioners as a potent source of rural anticlericalism.*

## Keywords

*Tithe, enclosure, Church of England, anticlericalism, clergy*

In the hundred years after 1750, the face of the English landscape underwent a profound change. Some 6000 separate Acts of Parliament were passed authorising the enclosure of large tracts of formerly open field and common land, transferring ownership to private individuals.<sup>1</sup>

No county was more affected by this process than Northamptonshire, the subject of this article.<sup>2</sup> In the period of parliamentary enclosure (as it became known) over 50% of the county was enclosed, the old open fields and commons tidied up and hedged, the rights of ownership set down and the new arrangements given

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<sup>1</sup> M. E. Turner, *English parliamentary enclosure: its historical geography and economic history* (Folkestone: Dawson, 1980); G. E. Mingay, *Parliamentary Enclosure in England: an introduction to its causes, incidence and impact, 1750-1850* (Abingdon: Routledge, 1997) provide thorough introductions to the course of the parliamentary enclosure movement.

<sup>2</sup> For a highly charged account of enclosure in Northamptonshire, see J. M. Neeson, *Commoners: common right, enclosure and social change in England, 1700-1820*, (Cambridge: Cambridge University Press, 1993).

the force of law, in what might be seen as a long and sustained privatisation of the landscape. While parliamentary enclosure was significant throughout the Midlands, only in Oxfordshire and Cambridgeshire did it have anything like as profound an impact as in Northamptonshire.<sup>3</sup>

The prime motivation for those who drove the changes was the desire for profit. It was assumed that a more scientific, productive, and ultimately profitable form of husbandry could be pursued in the newly enclosed fields, where farming was crucially brought under the direction of one individual – rather than being subject to more communal modes of organisation, as in the open fields. Enclosure seemed to promise increased productivity and a more secure food supply for the nation, and this was seized upon by the movement's apologists to proclaim enclosure an act of the highest patriotism: it certainly meant that landowners were patriotically able to charge higher rents for their enclosed fields.<sup>4</sup>

Yet not everyone joined the enthusiastic chorus. There were some, for example, who doubted enclosure's beneficial effects on productivity. Farmers in Leicestershire grumbled in 1784 that the grass in the expensively enclosed fields at Appleby was still not of sufficient quality to allow them to raise high quality beasts some 12 years after the new hedges had been completed.<sup>5</sup> More controversially and emotively, there were those who expressed reservations about its impact on the more vulnerable sections of the community. Enclosure, they claimed, robbed the poor of their common rights - privatising the land from which the commoners had formerly gathered fuel for their humble grates and

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<sup>3</sup> John Chapman, "The Extent and Nature of Parliamentary Enclosure," *Agricultural History Review* 35 (1987): 25-35; Leigh Shaw-Taylor, "Labourers, Cows, Common Rights and Parliamentary Enclosure: The Evidence of Contemporary Comment c. 1760-1810," *Past & Present* 171 (2001): 95-126.

<sup>4</sup> D. Cummings, "The Significance of Tithes in Eighteenth-Century England", *English Historical Review* 128 (2013), 1152-3; J. R. Lowerson, "Enclosure and Farm Holding in Brackley, 1829-51", *Northamptonshire Past & Present* 6 (1978): 33-48, for a Northamptonshire example on the Duke of Bridgewater's estate.

<sup>5</sup> William Marshall, *The Rural Economy of the Midland Counties*, 2 vols (London, 1790), ii, 37.

secured sustenance for their few, skinny beasts.<sup>6</sup> As one contemporary famously put it:

The crime is small, in man or woman  
Should they a goose steal from a common  
But what can plead that man's excuse  
Who steals a common from a goose?<sup>7</sup>

It is not the intention of this article to deliver any kind of judgement on the historical worth of these competing arguments for and against enclosure. Suffice it to say that for the last hundred years, from the publication of the Hammonds' *Village Labourer* in 1906 to the present, historians have continued to debate where the precise balance of profit and loss – to agriculture, to the poor, to the nation - actually lies.<sup>8</sup> Instead, it will focus on an aspect of the enclosure debate which has attracted remarkably little scrutiny: its impact on the Church of England. The oversight is curious as the Church was an important property owner in almost every parish across England and Wales, and thus had a material interest in the process. Three types of property, beyond the Church and the churchyard (which were rarely impacted directly), might be affected.

First there was the glebe. This was property (usually land) attached to the living and designed to support the incumbent. Glebe lands varied in extent, as the glebe terriers prepared by incumbents for exhibition at successive Bishop's Visitations reveal. The unfortunate Vicar of Long Buckby, for example, had no glebe whatsoever, while the incumbent of Easton Maudit had only some 25 acres.<sup>9</sup> Such livings remained desperately poor well into the nineteenth century, Long

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<sup>6</sup> Thomas Knowles, *Considerations on the tithe-bill, for the commutation of tithes, now depending in Parliament*. (London, 1782), 23; Jane Humphreys, "Enclosures, common rights, and women: The proletarianization of families in the late eighteenth and early nineteenth centuries", *The Journal of Economic History*, 50 (1990): 17-42.

<sup>7</sup> *Sporting Magazine*, 13 (1798): 112. Various versions of this verse are in circulation; this is from the original poem, 'The Cottager', which the *Sporting Magazine* attributes to 'W. Hutton' of Birmingham, with the date 24 Sept. 1798.

<sup>8</sup> J. L. and B. B. Hammond, *The Village Labourer, 1760-1832: a study in the government of England before the Reform Bill* (London: Longmans, 1911).

<sup>9</sup> Northampton Record Office [hereafter NRO], Long Buckby Glebe Terriers, 1749, 1771 and 1851; Easton Maudit Glebe Terriers, 1720, 1733, 1801. Several parishes had no glebe, including Norton: NRO, Glebe Terrier, 1767; and Watford: NRO, Glebe Terrier, 1726. Frances Knight, *The Nineteenth century Church and English Society* (Cambridge: Cambridge University Press, 1995), 131.

Buckby being worth just £52 net in 1835, and Easton Maudit £144: this at a time when £300 per annum has been judged the sum necessary for a clergyman to keep up a respectable middle class appearance, and £200 the boundary distinguishing the poor from the impoverished benefice. By contrast, the Rector's Glebe in the parish of Braunston on the eve of enclosure comprised 213 different strips of land scattered through the open fields of the parish, amounting in total to some 100 acres;<sup>10</sup> by 1835, the living was reported to be worth a net £837 per annum.<sup>11</sup>

Next there might be what were often termed 'church lands': small portions of land, the income of which was used to defray the expenses of the church, and which had often been donated by pious individuals for this purpose in generations gone by. In Ashby St Ledgers, for example, some 20 acres of church land were let to the poor as allotments, and the money used for church purposes;<sup>12</sup> in Naseby a parcel of 12 acres, upon which there stood 10 cottages, generated £28 per annum for church expenses by the 1850s.<sup>13</sup>

Glebe and church lands were generally modest in extent. There was, however, a further form of property belonging to the Church in most parishes which was much more valuable than either: tithes. In this article, the largely unexplored issue of how tithes were affected by enclosure will be addressed. Between 1750 and 1850, the Church gained something approaching 30,000 acres of prime land across Northamptonshire, as the right to take tithes was commuted for grants of land in enclosing parishes. The extinguishing of tithes, while it undoubtedly enriched individual clergymen, also strengthened the Church in important ways: it removed a primary source of irritation between parsons and their flocks, and underscored the wealth and influence of the Establishment in comparison with its nonconformist and dissenting competitors. The paper begins with a brief explanation of what tithes were, and then moves on to the practical workings of the system and the changes effected by enclosure. The Church, as will be seen,

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<sup>10</sup> NRO, Braunston Glebe Terrier, 1774

<sup>11</sup> British Parliamentary Papers [hereafter PP] 1835, xxii, *Report of the commissioners appointed by His Majesty to inquire into the ecclesiastical revenues of England and Wales*, p. 821.

<sup>12</sup> NRO, Ashby St Legers Glebe Terrier, 1851.

<sup>13</sup> NRO, Naseby Glebe Terrier, 1851. For other references to church lands: NRO, Newton Bromswold Glebe Terrier, 1723; Weedon Beck Glebe Terrier, 1774.

was massively enriched by the process of enclosure in Northamptonshire, and the article concludes by exploring some of the wider implications of this for our understanding of the countryside between 1750 and 1850.

## 1. Tithes.

The word tithe comes from the Saxon word *Teoda*, meaning one tenth.<sup>14</sup> As this implies, the system of requiring producers in a parish to yield up ten per cent of what they produced for the support of the local clergyman had deep and ancient roots. Tithes were levied in several categories, but there were essentially two types. 'Great' (or predial) tithes, were charged on those products which arose immediately from the earth, such as corn, hay, hemp, or hops, or any kind of fruit, seed or herb; 'small' (or mixed) tithes were those which arose from the natural products of the earth as nurtured or preserved by the care of man, i. e. cows and sheep which grazed the land, the milk or wool they produced, the calves and lambs they brought forth. The great tithes were considerably more valuable and were the property of the Rector of a parish; the Rector would also claim the small tithes unless the parish was run by a Vicar, in which case it was normal practice for these less lucrative taxes to fall to his share.<sup>15</sup> By the eighteenth century, the tithes of a parish did not necessarily belong to either the Rector or the Vicar: the right to tithes in many areas had belonged to monasteries, and was sold off at the Reformation. However, two-thirds of tithe income remained in clerical hands at the end of the eighteenth century, and in most areas, formed the cornerstone of the clergy's income. A recent survey of clerical incomes in Staffordshire, for example, found that one half of all Rectors and a third of all Vicars received 75% of their total income from tithes.<sup>16</sup>

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<sup>14</sup> James Barry Bird, *The Laws respecting Tithes* (London, 1805), 1. For a good introduction to tithes, Eric J. Evans, *The Contentious Tithe: The Tithe Problem and English Agriculture, 1750-1850* (London: Routledge & Kegan Paul, 1976), 17.

<sup>15</sup> Bird, *Laws respecting Tithes*, 7. The Vicar would also receive various other local revenues, such as Easter offerings, surplice fees, etc. W. M. Jacob, *Lay People and Religion in the Early Eighteenth Century* (Oxford: Oxford University Press, 1996).

<sup>16</sup> Evans, *Contentious Tithe*, 75.

Tithes were originally paid in kind, and the system still prevailed in many parts of Northamptonshire in the period of parliamentary enclosure.<sup>17</sup> A good example comes from the parish of Thornby, where the Rector (who received both great and small tithes) laid out his claims thus: 'Tythes of all sorts of grain are due in kind. If any Landholder moweth more than a fourth part of his Ground he is to pay Hay in kind for all that he moweth above that fourth part. Wool, Milk, Pigs, Calves, Lambs, & all other small Tythes as well as great are due in kind. Lambs are tythed on the third day of May & taken away from their Ew's [sic] at Lammas'.<sup>18</sup> At Bozeat, the Vicar received only the small tithes, but this was still amazingly complex: 'tithe hay in all closes within the Vicar's possession; wool and lamb in kind, tithe pigs and tithe calves at three weeks old; when the number of either is below 7, then one-tenth part of the money for which they are sold belongs to the Vicar. Also a 'Rate Tythe' for all sheep sold out of the field after Martinmass or bought in after lady day, namely 4d monthly for every 20 sheep. 'Also Tyth of Furze hoppes hony pigens Eggs Fouls and Fruit of all kind [.]' And if a calf was killed by its owner, the vicar was entitled to what was - rather charmingly - described as 'ye Tythe Shoulder'. As these entries suggest, however, collecting tithe in kind must have been, as one early nineteenth-century commentator remarked, 'a very tedious business'.<sup>19</sup>

Equally irksome must have been the marketing of the produce. The Rector or Vicar who took tithes in kind then had to dispose of them, and the market value for produce was highly volatile, rendering the income to be gained from tithes highly uncertain. An excellent illustration of this can be found in the parish of Stoke Bruerne for which a ledger has survived from the 1790s and in which the Rector, William Stalman, recorded his sales of produce – ~~ie~~, for example, that on 13 March 1791, he sold 80 bushels of best wheat to Mr Leak 6s 6d per bushel, receiving £25.13.0.<sup>20</sup> The living of Stoke Bruerne was held with the township of

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<sup>17</sup> Evans, *Contentious Tithe*, 21-22. Elsewhere, contemporary testimony suggests that many areas had moved to a system of money payments. W. M. Jacob, *The Clerical Profession in the long Eighteenth-Century, 1680-1840* (Oxford: Oxford University Press, 2007), 130

<sup>18</sup> NRO, Thornby Glebe Terriers.

<sup>19</sup> NRO, D3069, Litchborough, Valuation of land & tithes, by Wm Whateley, 5 December 1827.

<sup>20</sup> NRO, 303p/45, Stoke Bruerne, Account Book for large tithes.

Shutlanger, and both paid tithes to the Rector. This is a summary of the sums earned by the Rector from his tithes over three years, 1791-3:

Stoke Bruerne	1791 [£,s,d.]	1792 [£,s,d.]	1793 [£,s,d.]
Wheat	96.9.0	75.4.0	68.11.0
Barley and Oats	23.10.0	22.9.0	28.7.0
Beans	45.17.0	45.3.0	39.14.0
Wool	7.12.0	7.14.0	6.16.6
Lambs	5.11.0	6.2.0	4.12.6
Hay	30.0.0	30.0.0	30.0.0
Moduses	0.12.0	0.12.0	0.12.0
Pigs	0.13.0	1.17.0	1.15.0
Eggs	0.5.0	0.5.0	0.5.0
Easter Offerings	1.0.0	1.0.0	1.0.0

Shutlanger	1791 [£,s,d.]	1792 [£,s,d.]	1793 [£,s,d.]
Wheat	117.10.0	98.1.0	78.14.0
Barley and Oats	36.1.0	43.5.6	45.16.0
Beans	78.1.0	93.10.0	70.7.0
Wool	7.3.0	7.3.0	6.16.6
Lambs	5.3.7	5.18.0	4.12.0
Hay	30.0.0	30.0.0	30.0.0
Moduses	0.19.0	0.19.0	0.19.0
Pigs	1.17.0	1.5.0	1.15.0
Eggs	0.5.0	0.5.0	0.5.0
Easter Offerings	0.10.0	0.10.0	0.10.0

	1791 [£,s,d.]	1792 [£,s,d.]	1793 [£,s,d.]
Stoke Bruerne Totals	214.15.0	192.6.0	184.8.0
Shutlanger Totals	279.9.7	283.4.6	247.6.6
Combined Total	494.4.7	475.10.6	431.14.6

As can be seen, though the return from tithes remained very valuable, there was considerable fluctuation especially in the most valuable part, the money derived from wheat. After enclosure, in 1828, the value of the living increased rapidly. No figure is available for Shutlanger, but the living of Stoke Bruerne alone was listed by the Ecclesiastical Commissioners as £422, clear of all outgoings.

The tithe system was thus unwieldy, and it generated a good deal of strife. Indeed, the very detailed inventories of tithing rights listed in glebe terriers quoted earlier emphasize the point: they reflect the extent to which there

needed to be absolute clarity about what was owed, and when, and the privileges of access to be enjoyed by the tithe owner so that all parties could satisfy themselves that justice was being done.

When this was lacking, both sides might try to take an undue advantage. That farmers sought to exploit any slackening of rectorial oversight, for example, is well documented. In 1710, the Rector of Yelvertoft recorded a dispute with a parishioner named John Norton. Apparently, on the day when the tithe on his crop of beans was due, Norton had 'knavishly' laid out his tithe 'in such a place, where there grew little else but thistles'. The Rector immediately sent him a letter 'to remonstrate to him the injustice of it' adding 'that if he would not make me satisfaction in a peaceable way, I was resolved to have it in a legal way.' 'I had witnesses to prove he had not left the 40<sup>th</sup> part of the Increase', continued the Rector. In the event, Norton saw sense, as the Rector recorded in the parish book: 'whether it was his conscience ckeck'd him or fear of the law I know not', he wrote, 'but after 6 or 7 days I found the tyth laid out better, even in the best part of the land'.<sup>21</sup> This example suggests that the various local customs for taking tithes faithfully recorded in the parish records were designed to ensure both quantity and quality of the tithe crop taken by the Rector or Vicar. Thus whereas at Titchmarsh the Rector was entitled to every tenth stook, in the parish of Barnack 'The usual method of taking the tithe of both corn and hay was by measuring the land with a rake before the harvester had done his job: the tenth length would be the tithe-owner's'.<sup>22</sup>

The clergy themselves were not above trying to extend their claims. In 1742 a very interesting case came before the Consistory Court at Peterborough involving the tithe on milk. The case stemmed from the decision of the incumbent at Brixworth to change his traditional practice and take the tithe he was owed in kind, rather than at a valuation as had been usual. An argument

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<sup>21</sup> NRO, 379p/2, Yelvertoft parish register 1707, 'Memorandum 'for the information of my successors & to preserve the rights of the church'. For other attempts by farmers to evade their tithe obligations that ended in court: NRO, BG75, In the King's Bench: Cotton v Nethercoat (Thornby);

<sup>22</sup> John Bridges, *The History and Antiquities of Northamptonshire*, 2 vols. (London, 1791), ii, 494-5; NRO, Stowe Nine Churches Glebe Terrier, 1686, for another parish where the Rector took the tenth stook.



arose between the Vicar and his parishioners as to what portion of the year the former valuation had covered. The defendant, William Burgess, a yeoman, explained that the custom in the parish, since 'time immemorial', had been to pay tithe on milk only between 3 May and 1 August, and that previous Vicars had accepted a fixed sum of money in respect of the milk produced in this period – 18d for a milk cow and 1s for a barren cow. After 1 August, he went on, 'all the cattle in Brixworth were taken off the common according to ancient custom and put on the fields which had been cleared of corn and hay - for which crops were paid to the impropriate rector (the Dean and Chapter of Salisbury Cathedral)'. The Vicar, however, claimed that since the composition had been the only payment he received each year in respect of milk, it must cover the milk produced throughout the whole year and not only in the period identified by Burgess; therefore, now that he was taking it in kind, his parishioners must provide him with a tenth of their liquid milk throughout the year.<sup>23</sup> How the case was resolved is not clear, but it is evident that to Burgess, at least, the Vicar was trying to push at the boundaries of a long accepted tithing practices.<sup>24</sup>

The recourse to legal proceedings, threatened by the Rector of Yelvertoft and instituted in Brixworth, was a tactic supported by the Church authorities. They urged clergymen to insist on the full value of their tithes, pointing out that the individual clergyman had only a life interest in a benefice, and that any undue leniency in the collection of tithe payments risked robbing the next incumbent of his rightful income.<sup>25</sup> The actions of Revd Thomas Smith, Rector of Clay Coton, when faced with a problem regarding non-payment of tithes for hay and wool would doubtless have met with their approval. He smartly contacted his legal representative and advised him to bring the chief culprit, Thomas Abbott, in front of the ecclesiastical courts forthwith, 'as I particularly wish to convince

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<sup>23</sup> NRO, Peterborough Consistory Court [hereafter PCC], Misc bundle 22d William Burgess of Brixworth, yeoman vs. Rev James Jackson, vicar of Brixworth, 10 March 1742.

<sup>24</sup> Brixworth was eventually enclosed in 1780, and the living became a comfortable one for the Vicar, yielding an annual income of £300 per annum by the 1830s: PP 1835, xxii, *Report ... into the ecclesiastical revenues*, 821.

<sup>25</sup> Evans, *Contentious Tithe*, 48.

others as well as himself that I have the power of compelling.'<sup>26</sup> A timely show of force in good time would hopefully settle the issue once and for all.

Some clergy seem to have become so addicted to the power of the ecclesiastical courts that their parishes became embroiled in a form of endemic warfare. The example of the Revd Talbot Keene upon taking over the parish of Brigstock is a case in point. Keene kept a notebook detailing the battles he waged against his parishioners over tithe payments.<sup>27</sup> The living was a poor one, worth, in 1774, at Keene's estimate only about £112 gross, or £49 after various charges had been paid. Here, as in many other areas, it seems that the previous incumbent had come to an arrangement with his tenants that they pay him a fixed sum in lieu of tithes for a fixed period of time; however, as Keene lamented in his journal, 'Livings are generally ruin'd by Incumbents' neglect in maintaining their just and lawful Rights & Dues', adding, 'Neglect has ruin'd this.' It was not a neglect he intended to imitate. Almost immediately he began to ride his parishioners hard for their tithes. He made an example of a Mr Wright who had flatly refused to pay any tithe – 'said he never had & never wou'd'. Keene presented him to the Spiritual Court, and achieved the desired result: 'ever since he pays very quietly', he recorded. By determined action he managed to increase his tithe income from just £10 in 1774 to over £26 three years later – thereby raising the net income of the living by approximately one-third.

Such actions undoubtedly made Keene unpopular with at least a section of his parishioners, and in 1777 he was obliged to fight a suit instituted against him at the Quarter Sessions by his own parish overseer, William Abbot, for non-payment of rates. In the event, the Sessions supported Keene's contention that their valuation of his house and glebe at £35 was excessive, given that no other holding in the parish of similar extent was rated at more than £20.

Unsurprisingly, relations between Keene and his parishioners continued to be frosty. Some dissenters in the parish refused to pay their church rates and it required another trip to the Spiritual court – where they were also obliged to meet £50 of costs - to make them co-operate. As late as 1820, he was hauling

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<sup>26</sup> NRO, PCC, Misc Bundle 29, Rev Thomas Smith to Mr Gates, 1 Jan. 1817.

<sup>27</sup> NRO, 48 P10/1 (Brigstock), 'memorandum's [sic] respecting the Parish'.

defaulters before the Consistory Court at Peterborough – in this case Daniel Yorke whom he claimed owed him 1s 6d per annum for unpaid Easter dues throughout the entire period 1798-1815.<sup>28</sup> It is difficult to imagine the quality of spiritual care offered under such circumstances.<sup>29</sup>

In some parishes, clergyman and parishioners found means to reduce the tension and difficulties associated with the collection of tithes in kind. In many areas, they simply substituted a simple money payment.<sup>30</sup> In both Gretton and Sudborough, for example, the farmers ‘rented’ their tithes back from the incumbent: a glebe terrier from 1720 in the latter recorded that the Rector ‘letteth the same from three years to three years at such Rates as He and the Parishioners can agree.’<sup>31</sup> Alternatively, the tithes might be let to a middleman who then recouped what he could from the individual parishioners, as happened in Rothersthorpe in 1784.<sup>32</sup> The advantages inherent in such arrangements were obvious: they saved all parties from the nuisances associated with the payment of tithe in kind, and allowed the tithe-owner sufficient flexibility that if land values rose, the rent of tithes could be adjusted upwards accordingly.

However, the key to the success of these arrangements was the opportunity the clergy had to review the bargain at regular intervals. In some areas, recourse had been had to a system of money payment known as a *modus*. A *modus* was a fixed payment offered in respect of the tithes arising from a fixed area of land (often quite extensive). In many cases, these were of ancient origin, and, however realistic the annual payment may have been when the *modus* was established, time had eroded their value. In a period when land values rose steadily, as they did across the eighteenth century, many *moduses* came to offer

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<sup>28</sup> NRO, PCC, Misc Bundle 27, J Keen to Mr Gates, 27 Oct 1820; Daniel Yorke to Mr Gates, 15 Nov 1820.

<sup>29</sup> Robert J Lee, *Rural Society and the Anglican Clergy, 1815-1914: Encountering and Managing the Poor* (Woodbridge: Boydell, 2006), 22-7 for a similarly disputatious clergyman in Norfolk.

<sup>30</sup> D. Cummings, “The Significance of Tithes in Eighteenth-Century England”, *English Historical Review* 128 (2013): 1146-7.

<sup>31</sup> Gretton: NRO, 142P/ 34 Valuation of Parish 1818; NRO, Sudbororugh Glebe Terrier, 1720. And see NRO, Hellidon Glebe Terriers, 1761 and 1795: the small tithes of Hellidon, a perpetual curacy with no glebe land, were leased back to the parishioners for abut £20 per annum before enclosure; at enclosure, in 1774, the Vicar gained 4 allotments of land totalling 58 acres, which he let for £37 14s, suggesting the incumbents income from this source doubled due to enclosure.

<sup>32</sup> *Northampton Mercury*, 19 July 1784, advertisement. The parish was not enclosed until 1797. Rothersthorpe; *Northampton Mercury*, 27 May 1776 for the parish of Lavendon, Bucks.

the modern tithe owner a mere token payment. As a consequence, one of the most common causes of legal dispute between clergymen and their parishioners reflected attempts by the former to get an ancient modus set aside so that the land might pay tithe at a full modern valuation.

The scale of the problem can be gauged from the parish of Welford. The parish was enclosed in 1777, and an opportunity was taken to extinguish tithes on all land except a portion listed as Lady Webb's enclosures – an area of old enclosed land extending to 1146 acres, but paying a modus of just £17 6s 8d. That was a rate of just under 4d an acre, at a time when enclosed land still subject to tithe was paying anywhere between 2s and 5s an acre, depending on whether it was grassland or arable.<sup>33</sup> Unsurprisingly, when a new Rector was instituted in 1800, one of his first actions was to take the case to the exchequer court in an attempt to have the modus overturned. His parishioners, meanwhile, formed themselves into a defensive alliance to thwart his plan to open their fields up to a vastly increased payment.<sup>34</sup>

At Thornby, where another new incumbent sought to overturn a modus, the circumstances were rather different.<sup>35</sup> The parish had been enclosed in the early seventeenth century, and a modus set up on a large portion of land. In 1815, a year after being inducted, Revd Nathaniel Cotton brought an action in the Court of King's Bench against a farmer, John Nethercoat 'for carrying hay from his lands in this parish without first setting out or rendering the tithe thereof'. Nethercoat defended himself by saying that the tithes of the land in question were covered by an agreement dated 10 February 1623 providing the then Rector and his successors with a fixed sum in lieu of all tithe of hay arising within the parish. Interestingly, when the case came before Mr Justice Bayley at the Northampton Assizes, in March 1815, the original document was produced and the court found in Nethercoat's favour – a judgement supported when Cotton appealed the original decision.

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<sup>33</sup> These figures are given by William Marshall, *The Rural Economy of the Midland Counties* (2<sup>nd</sup> ed., London, 1796), I, p. 17. He focused on an area just north of Northamptonshire.

<sup>34</sup> NRO, YZ 4779i, 'The joint and several answer of Thomas Biggs and John Butlin ...' (In the Exchequer, 22 May 1805)

<sup>35</sup> NRO, BG75, Thornby: In the King's Bench: Cotton v Nethercoat.

All in all, the extent to which tithe caused disputes between the clergy and their parishioners justified the sardonic observation of a comment in the *Morning Chronicle*, that 'whoever turns over the folios of our law books, will be satiated with the relation of adjudged cases, and all the protean history of this motley and seemingly indefinite estate of ecclesiastical inheritance! an abundant proof that the clergy and laity have ever lived, more or less, inimically together, regarding the riches of this world, instead of the good of their souls, on which is founded the hope of the world to come.'<sup>36</sup>

## II. Exonerating Tithes

For all the reasons stated above, plus a general feeling that tithes represented a major disincentive to agricultural improvement,<sup>37</sup> there was a widespread movement in the Midland counties to extinguish the impost at enclosure. Simply abolishing tithes was not an option: tithes were property, protected by the law as any other property would be. It was possible, however, for the parish to buy out the tithe owner and thus set up a system in which all land was left effectively free of the charge. One scholar has calculated that provision for the exoneration of tithes was included in 70% of enclosure Acts passed between 1757 and 1830: in thousands of parishes across the country, therefore, and particularly in the English midlands, tithes were simply bought out.<sup>38</sup> How the Church benefitted from this can be seen if we explore the process of enclosure and tithe exoneration.

The initiative to enclose land came from the local level. It was a decision taken purely on the grounds of the likely profit that would accrue to the owners of land in that parish. The owner of tithes was one of the stakeholders whose support the would-be encloser had to secure. While no tithe owner could be forced to accept commutation, the huge profits that were anticipated from the enclosure of the common fields meant that very few were inclined to resist. As a

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<sup>36</sup> *Morning Chronicle*, 16 August 1781, letter 'Of Tythes'.

<sup>37</sup> Knowles, *Considerations on the tithe-bill*, 13. Defenders of tithe denied this charge arguing that tithes had self-evidently had not retarded agricultural improvement, Evans, *Contentious Tithe*, 67-72, 86-8.

<sup>38</sup> Evans, *Contentious Tithe*, 95.

consequence, in counties like Warwickshire, 118 of the 125 enclosure Acts passed after 1760 had provision for tithe commutation; in Derbyshire, similarly, the proportion was nearly three-quarters. In the county of Staffordshire, by contrast where it was waste land rather than common fields that was being enclosed, barely a quarter contained such clauses.<sup>39</sup>

The expectation of great profits from enclosure was key to the way the exoneration of tithes played out. In almost all cases, the promoters of an enclosure were willing to offer extremely generous terms to bring the tithe owners on side. This was especially the case where the tithes remained in Church lay hands, because it quickly became known that any enclosure bill which appeared to threaten the value of a living might expect severe opposition from the Episcopal bench and its supporters in the House of Lords. The bishops, as Eric Evans has remarked, were 'admirably placed to act as watchdogs of the clerical interest': others, notably the poor, had no such guardians and their interests might suffer accordingly.<sup>40</sup>

In most cases the redemption of tithe was effected by a grant of the land being enclosed to the tithe owner in lieu of the right to levy the tax: in other words, one form of property was exchanged for another. How much land should be given in lieu of tithe was, however, a contentious issue, not least because tithe was a tax on the gross rather than net yield which meant that tithe-owners gained a large invisible benefit notably the costs associated with growing and harvesting a crop, which were borne by the farmer. Since this invisible benefit was factored into the current arrangement, it had to be compensated. This formed one element driving up the scale of compensation that those seeking to extinguish tithes had to pay. But there were others. In particular, there was the attitude of the clergy themselves. Even those who, wishing to avoid damaging collision with their parishioners, had not taken the full value of their tithes before enclosure were unlikely to surrender to terms which denied them (and their successors) a fully equivalent sum at enclosure. In many cases, they also sought to build in to their

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<sup>39</sup> Evans, *Contentious Tithe*, 95-118.

<sup>40</sup> For differing views on the significance of this: Shaw-Taylor, "Labourers, Cows, Common Rights"; Neeson, *Commoners*; Steve Hindle, *On the Parish? The Micro-Politics of Poor relief in Rural England, c 1550-1750* (Oxford: Oxford University Press, 2004), 27-48.

settlement a calculation of the increased value that might be anticipated after enclosure.

This all led to a series of working conventions. By and large, the 1750s and early 1760s, there was little uniformity in Northamptonshire practice on tithe redemption. In Helmdon and Boddington, both enclosed in 1758, a decision concerning the amount of land to be given in lieu of tithes was left to the commissioners appointed to oversee the process. In other parishes, no distinction was made between the different value of arable and pasture land: in Guilsborough and West Haddon, both enclosed in 1764, tithe was exonerated for what, in retrospect, seems the ludicrously small demand of 1/10<sup>th</sup> of the land being enclosed. At Ecton (1759) and Eydon (1761), 2/15ths was given. In some parishes a flexible annual payment was settled upon in lieu of tithes, payable by the owners of the land in line with the prevailing price of corn: in Woodford Halse (1758) a payment beginning at £300 a year was established in lieu of tithes; in Towcester (1761) the sum was £200.

From 1765, however, a much greater degree of regularity entered arrangements regarding tithes and enclosure. It became much more common for the act to specify that tithes would be exonerated in exchange for land, expressed either in the form of a proportion of the whole area to be enclosed (in which case the normal amount given was 1/7<sup>th</sup>, as occurred in Kingshorpe and Harleston, both enclosed in 1766) or as fixed proportions of land according to use – normally 1/9<sup>th</sup> of pasture land and 1/5<sup>th</sup> of arable, as happened in Scaldwell and Braunston, both enclosed in 1775.<sup>41</sup> Thereafter, while there was never complete uniformity, the Church interest clearly pressed the case of tithe owners hard and ensured that the highest estimate was placed on the value of what was being given up. It says a lot for the belief in the inherent profitability of agriculture in the late eighteenth century that those effecting the enclosure believed they would still be in pocket despite giving away such large quantities of land.

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<sup>41</sup> 'Arable' was defined as land that had been ploughed with the space of seven years prior to the passing of the Act: NRO, J. W. Anscumb, "Inclosure: Notes of the Parliamentary Acts and Awards for Northamptonshire 1727-1844" (2 vols., unpublished Ms), ii, 151, Enclosure Act for Hargrave.

The benefits to the tithe-owner did not end there, however. As important as the quantity of land exchanged were the terms on which it was given. Tithe-owners were excused from bearing any share in the considerable payments associated with enclosure. These expences, arising from piloting the Act through parliament, employing commissioners to survey and divide the land under its provisions, and the considerable cost of laying the new hedges and roads so that their plans could be carried into effect, could be considerable. It has been estimated that the costs associated with enclosure rose steadily throughout the period, from about £1 an acre in 1760s to something approaching £3 in 1790s.<sup>42</sup> In addition, the tithe-owner was invariably allowed to nominate one of the Commissioners overseeing the enclosure, thereby ensuring that his claims were championed throughout the process of division and that the land he was allotted occupied a prime position within the parish. The commissioners appointed on behalf of clerical tithe-owners were often themselves clergyman. The Revd Henry Jephcott was very active in Northamptonshire, for example, and acted on behalf of several Oxford Colleges in parishes where their interests required protection.<sup>43</sup>

Enclosure greatly increased the value of agricultural land in many areas. In West Haddon, for example, rent levels more than doubled from 6s an acre before enclosure to an average of 13s an acre afterwards – a scale of increase typical according to a major recent study of agricultural rents in England.<sup>44</sup> Clerical incomes, now tied ever more closely to the rental market for land, rose accordingly. As the eighteenth-century land surveyor, Thomas Knowles, remarked, the principle that enclosure greatly increased the value of tithes and hence the value of the living, was well known to contemporaries.<sup>45</sup> At Ravensthorpe, for example, the tithes were held to be worth £108 per annum on

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<sup>42</sup> Evans, *Contentious Tithe*, 104.

<sup>43</sup> NRO, 46p/7, Braunston, papers relating to enclosure & tithes, 1773-1818. For a clerical commissioner's own views: [Rev] Henry Homer, *An Essay on the Nature and Method of ascertaining the specific shares of Proprietors, &c* (Oxford, 1766).

<sup>44</sup> J. W. Anscumb, "Enclosure and 'football play'", *Northamptonshire Past & Present* (1969-70): 175; M. E. Turner, J. V. Beckett, and B. Afton, *Agricultural Rent in England, 1690-1914* (Cambridge: Cambridge University Press, 1997), 201.

<sup>45</sup> Knowles, *Considerations on the tithe-bill*, 9-10.



eve of enclosure and £225 after.<sup>46</sup> And the value of livings kept increasing as the profitability of land surged in the last quarter of the eighteenth century. The advowson of the very rich living of Barby was sold three times in the years between 1789 and 1816: in that time the price realised for the living leaped from £4700 to £12,600 – a trebling in the underlying value of the living in just 25 years.<sup>47</sup> The annual value of the living was set at £961 by the Ecclesiastical Commissioners in 1835.

The commutation of tithes for land transformed the position of the incumbent in many areas. Naturally, many had let out their glebe land prior to enclosure – few clergy were themselves farmers. However, once the tithes had been commuted, many Rectors often found themselves in possession of a small estate which required letting out. In Crick for example, the enclosure Act of 1776 left the Rector with an estate of 555 acres.<sup>48</sup> This he let out to seven tenants, one of whom, interestingly, was a man named Zepheniah Edmunds, who regularly served as a churchwarden in the parish. Clearly, it was not just the clergyman but the wider church in a parish that benefitted from enclosure.

### III. Conclusion

This article has argued that the Church of England and its clergy were big winners in the rearrangement and redistribution of property that accompanied the process of parliamentary enclosure between 1750 and 1850. It was not simply that the clergy were enriched by exchanging their tithes for blocks of prime agricultural land – though this is true. Rather, it had the effect, in many cases, of transforming their relationship with their parishioners. First, letting out land was preferable to collecting tithes both because it provided a more regular level of income, and because taking receipt of a regular cash payment was so much simpler than chasing up a parish full of tithe payments in kind or otherwise. Secondly, the clergy saw their social status rise. Once enclosure had

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<sup>46</sup> Evans, *Contentious Tithe*, 105

<sup>47</sup> NRO, 24p/27-9 [Barby].

<sup>48</sup> NRO, Crick Glebe Terriers, 1777 and 1807. Edmunds had 56 acres in 1777; by 1807, it appears that this holding had expanded to 80 acres and was in the hands of John and Thomas Edmunds, presumably descendants.

transformed incumbents into relatively substantial property holders, on a par with smaller squires, new social opportunities came their way, and with that, the opportunity to take on new social responsibilities. In particular, they began to assume a role in activities that had formerly been the exclusive preserve of the landowning class, notably by serving on the bench of magistrates. In many Midland counties, the ranks of the magistracy quickly came to be dominated by the clergy. By 1831, Lincolnshire, 47 per cent of all magistrates were clergymen, in Cambridgeshire 45 per cent, Bedfordshire 41 per cent, Northamptonshire 39 per cent and Warwickshire 36 per cent.<sup>49</sup> In these counties the proportion was close to double the national average. The presence of the squire-parson, or 'squarson', was thus very marked in many English counties between c 1750 and 1850.

It has been suggested that the enrichment and upward mobility of the clergy after enclosure exacerbated grass-roots tensions between incumbents and their flocks, and fuelled a growing sense of anticlericalism in rural areas.<sup>50</sup> It seems equally plausible to argue the opposite case, however: surely it is not inconceivable that the position of the clergy was strengthened by the fact that they no longer had to annoy their parishioners with incessant demands for deeply unpopular tithe payments, and by a transformation in their status which allowed them to become active defenders of property. As well as serving in the Magistracy, many were involved in the local associations set up to prosecute the theft of everything from animals to crops and chattels which sprang up in the later eighteenth century.<sup>51</sup> This was work which benefitted the whole community, not just the rich.

As well as benefitting individuals, however, it is important to recognise how the increase of wealth benefitted the Church of England as a national institution. In

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<sup>49</sup> For the Northamptonshire Magistracy in this period: R. W. Shorthouse, "Justices of the Peace in Northamptonshire, 1830-1845", *Northamptonshire Past & Present* 5 (1974):129-40.

<sup>50</sup> The case is most famously argued in Eric J Evans, "Some reasons for the rise of rural anticlericalism," *Past & Present*, 66 (1975): 84-109.

<sup>51</sup> See the advertisements in the *Northamptonshire Mercury*, 19 January, 26 April, 10 May 1784. Craig B. Little and Christopher P. Sheffield, "Frontiers and Criminal Justice: English Private Prosecution Societies and American Vigilantism in the Eighteenth and Nineteenth Centuries," *American Sociological Review* 48 (1983): 796-808.

Northamptonshire, as previously mentioned, the Church gained something approaching 30,000 acres of prime agricultural land, at a time when land values were rising strongly. Nationally, the picture is even more dramatic, as can be deduced from a return in the parliamentary papers for 1867, which offered a list of all the parishes where tithes were exchanged for land at enclosure. The return is incomplete – it deals with only about one quarter of all the Acts passed. Nevertheless, the returns suggest that in these 1500 parishes, some 180,000 acres was given to clerical rectors, vicars, and very occasionally, perpetual curates in lieu of Great and Small Tithes. If we add to this various other recipients (schools, Cathedral Deans & Chapters, Oxbridge Colleges) who might be deemed part of a wider ‘clerical interest’, the figure swells to some 230,000 acres. Not all clerical tithe owners chose to swap their claim for a block of land; in some cases, as we have seen, they chose simply to convert their tithes into an annual money payment calculated against the prevailing price of corn. In addition to the 230,000 acres noted above, the clerical interest received an annual payment of £35,000 from tithes commuted in this way. Even if we simply double this figure to take account of the Enclosure Acts not listed in the parliamentary return, it still seems likely that at least half a million acres was transferred to the Established Church between 1750 and 1850.

Such an accession of property undoubtedly strengthened the Church. At just the moment when rapid change in industry and agriculture created new sources of wealth and influence, and complementary new ideologies toppled existing elites in both America and France, the silent strengthening of the Church helped ensure that the establishment weathered the storm.