

## Tithes and the Rural Clergyman in Jane Austen's England

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The living of Chetwynde was now in the possession of a Mr. Dudley, whose Family . . . were productive only of vexation and trouble to Mrs. Percival and her Neice. Mr. Dudley . . . was forever quarreling . . . with her Steward and Tenants concerning tythes. . . .

Catharine or The Bower, *Minor Works*, 195

The tithe was a tax consisting of a tenth of the natural increase of flocks, herds, fields and woods. It was originally paid "in kind" and was intended to link pastors with the farmers of their parishes: with a good harvest, farmer and clergyman gained; in a bad year, both suffered together. The clergyman was responsible for collecting his own tithe—going into the fields and assessing crops, inspecting orchards, counting cattle, sheep or even bee-hives. He had to know the source and amount of each farmer's income in order to know how much he could expect to collect as tithe.

Jane Austen, as a member of a widespread clerical family, was familiar with the tithe system in England. Tithes formed a major part of a rural clergyman's income, and Jane Austen makes reference to them in several places in the novels. When Colonel Brandon speaks to Elinor of the living he is offering to Edward Ferrars, he tells her of the "extent of the parish, condition of the land, and rate of the tythes" (*S&S* 368), all of which a new incumbent would want to know. And Mr. Collins ranks "making such an agreement for tythes as may be beneficial to himself and not offensive to his patron" as first on his list of the duties of a clergyman (*P&P* 101).

The tithe system dates back to Biblical times, and was gradually altered by law and custom through the centuries. By the sixteenth century in England, tithes were divided in two ways: first, into *predial*, *mixed*, and *personal*; second, into *great* and *small*. Predial tithes were imposed on agricultural products arising directly from the soil—crops, timber, fruits; mixed, on other agricultural products such as livestock, milk, eggs, cheese; and personal, on wages and profits. Great tithes encompassed the main agricultural products—grain, hay and wood; small tithes, of great variety and lesser value, were set on all other products.

There was no fixed distinction between *great* and *small*. Each living had an original endowment which stated its precise rights. If the documents had been lost, customary usage became the rule. The most productive crop of the region was considered the great tithe, even if it fell into the small category. The tithe was imposed on the gross product—no allowance was deducted for seed for planting, lime for fertilizing or capital expenditure for improvements.

Rectors, like Mr. Austen, and Mr. Collins, Edward Ferrars and Dr. Shirley, were endowed with all the tithes of the parish, great and small. Vicars were

appointed by the abbots of religious houses until after the Reformation, when tithe-rights had been forfeited to the Crown. Subsequently these rights were presented or sold to noblemen who became known as "lay impropriators," who could sell, lease or bequeath these rights. By the mid-seventeenth century, almost one-quarter of all tithe-rights were owned by laymen. The lay owner usually retained the great tithes and paid a vicar (like Mr. Elton) all or a portion of the small tithes. Lucy Steele seems to think this is Colonel Brandon's position: she professed herself publicly "anxious that his tythes should be raised to the utmost" (S&S 293). In fact, Colonel Brandon makes it plain to Elinor that Edward would be rector and thus receive all the tithes.

Nothing about the tithe system, however, was simple. There were many exemptions, and customary usage could change the interpretation of the laws. Generally, products which were part of the ground itself were exempt from tithe: coal, minerals, limestone, etc. But in some areas it was customary to pay tithes on these materials, tin in Devon and Cornwall, for instance, and lead in Derbyshire. In the early years of the Industrial Revolution, new agricultural and industrial products changed the picture. Tithe owners stood to gain large amounts when new methods of husbandry resulted in improved yields or new crops if they could collect ten per cent of the produce. Vegetable gardens had been usually exempt from tithe, but with the tremendous growth of cities in the seventeenth and eighteenth centuries, large market gardens were developed on their outskirts, and the parish clergy naturally wanted to collect tithes on them.

Some crops considered particularly important to the trade and industry of the country were given special consideration: the cloth industry employed thousands of people—hemp and flax were accordingly tithed at a maximum of five shillings an acre in perpetuity; madder, an essential ingredient in dyeing and calico printing, was given similar protection (Thirsk 403). Wild animals—*ferae naturae*—were traditionally exempt from tithes. The courts helped the rich by deciding that deer, even if kept in parks, were wild animals.

Crown forests and waste lands were traditionally exempt. Jane Austen would have become acutely aware of the problems which could be caused by the Enclosure Acts, when the Austen ladies visited her cousin, Edward Cooper, at his rectory at Hamstall Ridware in Staffordshire in 1806. Edward was in the process of petitioning the Exchequer Court against the enclosure of Needwood Forest. The proposal was that the forest lands be enclosed and divided among the three adjacent parishes, Hamstall Ridware, Rolleston and Scropton. According to law, these new lands would be exempt from tithe for the first seven years of cultivation (to help defray the capital costs involved), and Edward Cooper and the other tithe owners were concerned that the farmers would sow them with wheat or cereal crops (usually subject to a high rate of tithe) and leave their original lands to grass (paying little or no tithe) (Salt Library).

John Dashwood, pleading poverty to Elinor, mentioned his enclosure of Norland Common (S&S 225)—he, too, would pay no tithe on his crops there

for seven years. Also exempt were timber trees of over twenty years' growth; the "old walnut trees" which had to come down to make room for Fanny Dashwood's new greenhouse would be in that category, as would Mr. Rushworth's "avenue" of oak trees, if he proceeded with his plans for improvements (*MP* 55). If General Tilney sold some of the produce of his "village of hot-houses" (he had "only one hundred" pineapples that year) (*NA* 178), it would not be tithed: the common-law courts had ruled that products grown in hothouses were not "free gifts of God" (Hill 81).

Personal tithes had always been the most contentious. They were meant to cover "such profits as do arise by the honest labour and industry of men" (Thirske 391). In small communities, where everyone knew everyone else, products and profits were visible and measurable. The new wealth, in factories and mills and growing towns, was far more difficult to assess. Tithes had traditionally been imposed on the fruit of the earth, the gifts of God. Wealth produced in new ways—the profits of merchants, mine owners, improving farmers, market gardeners, money-lenders, overseas traders—caused infinite problems in tithe collecting. In the middle of the sixteenth century, an Act of Parliament virtually brought an end to personal tithes: it abolished the oath (which the church courts had used as the means of



Engraving of Cockington Church near Torquay.

ascertaining income), freed day-labourers from tithes on wages, and exempted from the obligation to pay personal tithes all those who could not be proved to have been paying during the preceding forty years (Hill 90). This meant that people in London and the growing towns, and the new industries and factories, were virtually exempt from tithe payments. (Unless Mr. Elton or his predecessor had come to some personal agreement with them, towns-

people like Mrs. Ford, Mrs. Goddard, the Coles and even Mr. Woodhouse, would not be liable for tithe payments.)

Servants and their employers were so opposed to payment that the tithe was almost impossible to collect, and in general, tithes on wages became ineffectual, and small fixed payments were substituted. Thus the tithe was not a live issue in towns and cities. (Urban clergymen's incomes came from donations, pew rentals, and fees for baptisms, marriages and other rites, called "surplice fees" [Hill 86].)

Another exemption was a *modus*, an agreement which usually substituted a cash payment in lieu of tithes. A "prescriptive *modus*" affected all tithes due from a parish or a single piece of land, usually originally part of an agreement between the lord of the manor and his rector. A "parochial *modus*" was valid throughout a parish with reference to a particular crop or product. (Milk, for example, was often exempt because it was difficult to collect and awkward to market or distribute effectively in small amounts.)

When Jane Austen's father planned to retire to Bath, the amount of his future income was assessed in a letter to Cassandra: "My father is doing all in his power to encrease his Income by raising his Tythes, etc. . . ." (Letter No. 29). The rate of the tithe was set by an Act of Parliament; the difficulty lay in collecting the full amount due. Jane Austen wrote of her cousin Edward Cooper's prospects in 1799, "The living is valued at £140 a year, but perhaps it may be improvable" (Letter No. 18). Colonel Brandon proposed to give a living to Edward Ferrars, where the "late incumbent . . . did not make more than £200 per annum," but he considered it was "certainly capable of improvement" (S&S 283). A persevering and diligent clergyman would make great attempts to realise the full value of tithes by tightening up his collection procedures. (Mr. and Mrs. Norris "began their career of conjugal felicity with very little less than a thousand a year" at Mansfield [MP 3]. It would be interesting to know how much the living had improved during the twenty years or so of Mrs. Norris's management, and what it was worth after the indolent Dr. Grant's incumbency).

Tithing in kind was gradually being phased out during the late eighteenth and early nineteenth centuries. Government-appointed tithe commissioners negotiated *commutations* (especially at a time of enclosure of land) whereby tithes were eliminated and replaced by a grant of land, a lump-sum cash payment, or a kind of rent which fluctuated with the price of grain. The clergy generally preferred the grant of land, especially if it could be a plot which adjoined their glebe lands.

Another form of change was by *compositions*: tithes were retained but instead of payment in kind, cash amounts for each product were agreed upon between the parson and individual farmers, or across-the-board for the whole parish.

Tithes in cash were still difficult to administer and collect, however, as this method required evaluations of property and produce to ensure fairness. A yearly valuation of crops was impracticable and expensive. A flat assessment of so much per acre, or a fixed percentage of the rent, penalized those farmers who had improved their land with large expenditures of capital compared to

those with naturally fertile land. However, new valuations could be done every few years in the hope of raising the tithe.

The collection of tithes was the cause of much ill-feeling between farmers and clergy. By Jane Austen's time, cash payments were becoming more common, but tithing in kind was still the usual method, and was particularly resented. Tithe owners trying to collect might harass the farmer and damage his crops; the farmer might place all sorts of difficulties in the way of collection. By law the farmer had to separate the share due to the parson, but he was not required to inform him about the time of harvest. In some cases the grain or hay might rot in the fields before the tithe was collected; on the other hand, the portion of crop remaining might prevent the farmer from turning cattle into the field—one way or another, one party was often dissatisfied (Hill 124).

William Holland, a Somerset clergyman, wrote in his journal in 1799: "Rich of Halsey Cross called here this morning and with wonderful civility offered me his tithe potatoes in any way I thought proper. . . . At one time he would pay me my Tithe by throwing out the tenth potatoe, which I refused and obliged him to pay his Tithe properly" (Ayres 64).

The poet William Cowper (a favourite of Jane Austen) in *The Yearly Distress* expressed the feelings of both clergymen and farmers at tithing time:

This priest he merry is and blithe  
Three quarters of a year,  
But, oh! it cuts him like a scythe  
When tithing-time draws near . . .

For then the farmers come, jog, jog,  
Along the miry road,  
Each heart as heavy as a log  
To make their payments good.

In sooth the sorrow of such days  
Is not to be expressed,  
When he that takes and he that pays  
Are both alike distress'd . . .

(Cowper 421)

In a letter to a clergyman friend, the Reverend William Unwin, in 1799, Cowper expressed what a sensitive pastor felt about collecting tithes:

When [your last letter] passed under your pen, you were miserable about your tithes, and your imagination was hung round with pictures, that terrified you to such a degree, as made even the receipt of money burdensome. But it is all over now. You sent away your farmers in good humour (for you can make people merry whenever you please), and now you have nothing to do but to chink your purse, and laugh at what is past. Your delicacy makes you groan under that which other men never feel, or feel but slightly. (Lucas 33)

In order to make the whole occasion more palatable, some form of entertainment was usually offered to the farmers when they came to pay their tithes. Cowper describes such a "tithe feast" in the same poem as above:

The dinner comes and down they sit;  
Were e'er such hungry folk?  
There's little talking, and no wit;  
It is no time to joke.

(Cowper 422)

Parson Woodforde, in 1776, at what he called a "frolic," served a dinner of roast beef, boiled mutton and plum puddings to his tithe-paying parishioners. "Wine Punch and Ale as much as they pleased" made the complaints and grumbles audible (Woodforde 127). Another year, Woodforde wrote: "We had this Year a very agreeable meeting here . . .—no grumbling whatever" (217). In later years he usually ended his account of the Tithe Audit and dinner by writing: "We were all very merry and very harmonious" (366).

William Holland wrote of one of his tithe dinners: "The rest of the Farmers came and paid very well and were cheerful. . . . They made each of them a good dinner and drank strong beer and Brandy and Gin till they were brim full and then they left me" (Ayres 136). Certainly it must have been more pleasant to pay in an atmosphere of festivity, than have the tithe owner come around like a debt collector.

Disputes taken to court were commonplace. Tithe law was complicated, and the increasing number of new crops and products towards the end of the eighteenth century meant that no precedent could determine the outcome. Apples were tithed, but should windfalls be? (Yes, replied the courts.) Turnips taken to market were subject to tithe, but if the crop were left in the fields for cattle to feed on, would it not be a double tithe to pay on the turnip crop and again when the fattened cattle were taken to market? Potatoes became an important cash crop in some areas in the early eighteenth century. There was doubt as to whether this should be a great or small tithe—a court judgement ruled they should be considered a small tithe even when widely grown. On the opposite scale, potatoes grown in small quantities in cottage gardens for domestic consumption were technically tithable, but most clergymen were prepared to forgo their legal dues in the interests of charity and harmony (Thirske 402).

Disputes such as these could be settled either by compromise between parson and farmer, or by costly litigation in the courts. Court cases could carry on for years when the details were especially complicated. A favourable judgement, however, could mean a considerable difference in income. Farmers were often able to harass or bully tithe owners into accepting less than they were legally entitled to. Clergymen especially were apt to accept less in order to keep the peace and maintain good relations with their parishioners. Holland complained of a farmer whose "fields were covered with sheep . . . and yet he pays me little Tithe. It is a shame and yet if I demand more I must quarrel with him" (Ayres 92). It was a dilemma for a conscientious clergyman—if he tried to realise the full amount of tithe income due, he risked good parochial relationships; if he didn't collect what he should, he and his family suffered, and he lowered the value of his living for future incumbents.

There was much agitation for reform or abolishment of the tithe system. As early as the sixteenth century, a report stated: "It is felt to be a great indignity that tithes are rendered each year to parochial ministers by the poor and labouring peasantry, whilst wealthy merchants and men abounding in learning and skill contribute practically nothing to the necessities of the ministry" (Hill 77). In the eighteenth century, the complaint was similar: "Another saith he dwells in a city or market town and hath no land, though it's like he gains more by trade than ten poor countrymen that pay tithes do by their lands. . . . The rich generally pay little, and the poor husbandman bears the burden" (Hill 77). In 1815, James Stanier Clarke, the Prince Regent's librarian, wrote to Jane Austen about "what good would be done if Tythes were taken away entirely" (Letter No. 120a).

Tithe rights, however, were property, and the example of the French Revolution frightened the government from taking action against established religion or the rights of property until well into the nineteenth century.

When paying tithes had ceased to be a sacred obligation and had become a commercial transaction pitting clergy and their parishioners as adversaries, the Church lost more than money by the change.

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