

FULFORD AND THE TITHE OF 1849

The practice of giving a tithe, or one tenth, of all the produce of the land for the work of God had become a legal obligation in England by the 8th century, when tithes of corn, hay, livestock, wool and non-cereal crops went to support the resident minister or an appointed layman. In Fulford in the late 1700's the Allen family were Lords of the Manor and so gathered the tithes, and they sold up to one third of their tithes to people known as lay impropriators. Mrs. Jane Fernihough was one such person but collecting her tithes wasn't always smooth sailing as can be seen from the following letters.

“To Thomas Hinkley Esq., Lichfield

Dear Sir,

Late last night I received the Inclosed Copy of a Writ from Mrs. Fernihough of Fulford, I desire you will please to enter an Appearance for the Defend^s but not to enter it sooner than quite Necessary as We wish to gain time in order to settle the Matter if we can. The Case is Briefly this – Mrs Fernihough Widⁿ of the late Rev^d Mr Fern of Fulford (who is an Old Woman) is Lessie for her life of The Corn Tithes of Fulford under Mr. Allen of Fenton – The Plaintiff Sam^l England (a troublesome Man) in Ten^t to Mr Hawkins for a Farm in the Liberty of Fulford The Tithes of All which Farm it is presum^d belong to Mrs F – The Farm Consists in part some old Rough Land which has not been plowed within Memory Except within a few Years and England has then withheld the Tithes of these Lands pretending some Exemption, tho' in fact he can have none, as Many Parts of the Farm have been Constantly tithes and by chance last year a Living Witness told Mrs F that he had lived wth England's father and that he remembered a part of the said Rough Lands Tithed many Years since Mrs Fer being an Old Woman was before unwilling to enter into any dispute ab^t the Tithes by reason of her Age but the Pltff yearly increasing his Tillage of the said Lands and still Retaining the Tithes Mrs F was Advised last Year to set out the Tithes of the some of the said Rough Lands and to carry away the Tithes which she did – It is the Custom in Fulford for the Lessees of the Improprietor or their Serv^t to set out tithes and indeed so it is in most Parts of this Country Mr Hawkins soon after signified her Intention of serving a Writ but I saw him at Stone and had some talk with him he seemed then to plead an Exemption by times, but I have since exchanged Sev^l Let^{rs} with him and was in hopes he would have been convinced of the justness of Mrs F's Claim In his Letters he has not said anything against the Rights of the Tithes but has Spoke of Mrs F's illegal proceedins. Therefore from his frst Letter I suspected he meant to proceed by an Actⁿ of Tresp. For the Enterⁿ upon the Land and setting out the Tithe Therefore I beg the favour of You to let me know by return of the Post whether you think that is the Case or whether by this Action he can bring the Merrits of the Case as to the Tithes in Question or what he can recover by this Action. The Value of the Tithes last Year taken were ab^t or under 5^l I mean those in Dispute -

If they can bring the Merrits of the Cause on by this Action Mrs F must then apply to Mr Allen (for it cannot be worth her while) If otherwise whether it may not be better to tender Trespass and in what manner –

Mr Hawkins in his Let^r sometime since says he Expected to have the Value of the Tithes and Cost of the Writ – I shall be Glad to hear from You and must Conclude for fear of the Post setting out.

I am Dear Sir in haste

Your most obed^t Serv^t

R. Goodall

Darlaston June 21st 1786

Please to let me know how soon they can file their declaration –

Que – Do you think Mrs F can justify setting out the Tithes – I fear not – “.

The enclosed copy of the writ said:-

“George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To the Sheriff of Staffordshire Greeting – whereas we lately commanded our Sheriff of Middlesex that he should take Jane Fernihough Henry Fernihough Joseph goodwin and Samuel Braine If they might be found in his Bailwick and keep them safely so that he should have their Bodies before us at Westminster at a certain day now past to Answer to Samuel England in a plea of Trespass And our said Sheriff of Middlesex at that day returned to us that the aforesaid Jane, Henry, Joseph and Samuel are not found in his Bailwick wherupon on the behalf of the said Samuel it is sufficiently attested in our Court before us that the aforesaid Jane, Henry, Joseph and Samuel doe run up and down and secret themselves in your County Therefore we command you that you take them if they may be found in your Bailwick and safely keep them so that you may have your Bodies Before us at Westminster On Wednesday next after Eight days of the Holy Trinity to answer to the aforesaid Samuel

of the place aforesaid and that you have there then this Writ Witness William Earl of Mansfield at Westminster the twenty ninth day of May in the twenty Sixth year of our Reign

Stormant & Way

Jane Fernihough Henry Fernihough }
Joseph Goodwin Samuel Braine }

You are served with this Process to the intent that you may by your Attorney appear in his Majesties Court of Kings Bench at the return Thereof being the twenty first day of June 1786 In order to your defence in this Action

Leeson for Dalrymple

9th June 1786”

The case obviously dragged on as on 17th January 1787 Mr. R. Goodall wrote to Thomas Hinkley Esq. again, this time saying that he had searched in vain for deeds covering the purchase of Mr. Allen’s estates. He had found that they had been mortgaged or sold and that they were “*strangely dispersed, but the Tithe Deeds to the Tithes could not be found*”. He also asked Mr. Hinkley if it may therefore be incumbent on the plaintiff to have to show exemption. Sadly the replies to this letter seem to have been lost over the years and so we have no record as to what the final judgement was.

Not many years after, in 1836, the Tithe Commission came into being, and tithe maps and apportionments began to be produced. The apportionment of the rent-charge in lieu of tithes in the township of Fulford (and Saverley Green) in the parish of Stone is dated 30th October 1849. Extracts from this apportionment identifying some of the people of Fulford are reproduced below.

Know all Men by these present that I Joseph Townsend having been duly appointed and sworn an Assistant Tithe Commission are according to the provisioning of the Act for the commutation of tithes in England and Wales and having been also duly appointed to ascertain and award the total sum to be paid by way of rent charges instead of the tithes of the Township of Fulford in the Parish of Stone in the County of Stafford do hereby award as follows, that is to say-----

Whereas I have held divers meetings near the said Township touching the matter aforesaid of which meetings due notice was given for the information of the Landowners and Tithesowners of the said Township-----

And whereas I have considered all the allegations and proofs tendered to me by all parties interested and have myself made all enquiries touching the premised subject which appeared to me to be necessary-----

And whereas I find that the undermentioned prescriptive and customary payments are yearly through the said Township instead of the undermentioned tithes that is

One penny for every barren Cow instead of the tithe agistment of barren Cows-----

Three half pence for every Cow under seven that has had a Calf instead of the tithe of Milk---

Two shillings for every seven Cows-----

Four shillings for every seventeen Cows-----

Two shillings for every twenty seven Cows that have calved instead of tithe Milk of such

Cows-----

Three half pence for every Colt instead of tithe of Colts-----

One half pence for every Garden instead of tithe of the produce of Gardens-----

Three half pence for every swarm of bees and the same sum for every stall killed instead of tithes of honey-----

And whereas I find that the undermentioned lands of the Township of which Richard Clarke Hill Esq. Is the owner are covered from the render of tithes of Hay in kind by the undermentioned prescriptive or customary yearly payments in lieu thereof that is to say-----

Fulford Hall farm containing in estimate statute measure one hundred and thirty five acres and thirty seven perches well known by metres and bounds now or late in the occupation of the said Richard Clarke Hill and Benjamin Finney by the payment of four pence at Easter to Swynfen Jervis Esquire----

The Farm heretofore Davalls containing in estimate statute measure two hundred and ninety seven acres and twenty nine perches well known.....of the said Richard Clarke Hill Jesse Wooliscroft Benjamin Finney William Tew Richard Ash by the payment of three pence at Easter to the said Swynfen Jervis.

And whereas I find that the lands of the said Township the whole of which are subject to payment of Tithes amount in estimate and statute measure to fifteen hundred and twenty acres which are cultivated as follows that is to say-----

Five hundred acres as arable

One thousand and twenty acres as Meadow and pasture-----

And whereas I have estimated the clear annual value of the said Act of Parliament and have also taken

into account the rates and assessments paid in respect of such tithes during the seven years of average prescribed by the said Act.

And whereas I find that the undermentioned persons are severally owners of all the tithes both great and small or the customary payments in lieu thereof arising from or accruing due upon the lands specified in the Schedule to the award annexed that is to say-----

Thomas Batkin of Fulford	Farmer
Richard Beard of Fulford	Farmer
William Blurton of Loughborough	Gent
Charles Bromley of Stone	Shoe Manufacturer
Richard Clarke Hill of Stallington Hall	Esquire
Thomas Hughes of Windicote	Gent
William Jervis of Longton	Earthenware Manufacturer
John Marsh of Norton Farms	
George Mellor of Barlaston	Farmer
Sarah Sargent of Fulford	Widow
Adam Walters - Auctioneer	
William Wood of Cheadle and wife Lydia	Innkeeper

And whereas I find that William Milner of Worston in the said County Esquire is owner of the tithes of Corn and Grain arising from or accruing due upon one hundred and twenty four acres one rood and nineteen perches of his own lands in the said Township which are known by metres and bounds and comprise the whole of the Estate of the said William Milner in the said Township except the lands next herinafter described which belong to the said William Milner but are subject to the payment of tithes of Corn and Grain to Thomas Allen of Fenton Culvert in the said County Esquire and contain together thirty eight acres and twenty seven perches that is to say-----

	<u>A.</u>	<u>R.</u>	<u>P.</u>
The near Chapel Leasow containing	6	-	9
The middle Chapel Leasow containing	5	3	16
The far Chapel Leasow containing	6	1	15
White piece	6	2	3
Plantation	-	2	32
Piece between Spinks	6	3	5
Long Croft or Cobwebs	5	3	27
	38	-	27

And whereas I find that the said Thomas Allen is the owner of the tithes of Corn and Grain arising from or accruing due on all lands of the said Township except of the One hundred and sixty Acres two roods and twenty one perches which are set forth in the beforementioned Schedule and of the said One hundred and twenty four Acres one rood and nineteen perches which belong to the said William Milner-----

And whereas I find that the said Richard Clarke Hill is entitled to the tithes of lamb wool pigs and geese accruing due upon the lands of the said Township except upon those lands which are included in the Schedule to this award annexed-----

Now know Ye that I the said Joseph Townsend do hereby award that the several undermentioned sums by way of rent charge subject to the provisions of the said Act shall from the first day of January next preceding the confirmation of the apportionment of the said rent charge to be paid to the several undermentioned persons and to their respective heirs and assigns or to the persons entitled in remainder or reversion after each of them respectively that is to say-----

<u>Owners of tithes</u>	<u>Rent Awards</u>
Charles Bromley of Stone	£1.7s.6d
Thomas Batkin of Fulford	2/-
Richard Beard of Fulford	£1.7s.
William Blurton of Loughborough	21/-
Richard Clarke Hill of Stallington Hall	£2
Thomas Hughes of Windicote	£3
William Jervis of Longton	£3.10s
George Mellor of Barlaston	£1.7s.
William Wood of Cheadle and wife Lydia	£1.7s
Sarah Sargent of Fulford	£3.12s.
John Marsh of Norton Farms	£4.5s.
Adam Walters – Auctioneer	£2.9s.
Also to William Milner in lieu of corn and grain tithes	£4

Also to William Allen in lieu of corn and grain tithes £53
 Also to Richard Clarke Hill in lieu of lamb and wool, pig and goose £2
 Also to Swynfen Jervis in lieu of all tithes £2.2s.

The foregoing several rent charges to be in not only in lieu of all tithes payable in kind but also in lieu of all moduses and composites real or prescriptive and customary payments payable in respect of all the lands of the said Township of Fulford-----

In Testimony whereof I the said Joseph Townsend do hereby affix my hand this thirtieth day of October in the year One thousand eight hundred and forty nine.

Signed Joseph Townsend Assist. Tithe Comr.

<u>Owners of tithes</u>	<u>Name of Estate</u>
Charles Bromley of Stone	The Pease Byrtch
Thomas Batkin of Fulford	Sprint Meadow
Richard Beard of Fulford	The Madge Yard
	White Field
	Part of Hobberslades
William Blurton of Loughborough	Part of Morrelow
Richard Clarke Hill of Stallington Hall	Candy Hill
	Further Field
	New Field
Thomas Hughes of Windicote	Harry's Croft
	Shelley Low
	Shelley Dale
William Jervis of Longton	Part of Morrelow
George Mellor of Barlaston	The Barn Acres
William Wood of Cheadle and wife Lydia and Sarah Sargent	The Meadows
	Part of Far Hobbs
	The Nether Field
	The Sunny Slade
John Marsh of Norton Farms	Two Rough Closes.
	Shelley Dale Croft
Adam Walters – Auctioneer	Part of Morrelow Lane

And whereas a certain deed or declaration of Merger bearing date the thirtieth day of December One thousand eight hundred and fifty duly executed by the said William Milner has been confirmed by the said Tithe Commissioners on the third day of February One thousand eight hundred and fifty one whereby the said William Milner hath declared that the said rent charge of Four pounds so awarded to him as aforesaid shall not be apportioned but that the same and the tithes in respect of which it was awarded shall be absolutely merged and extinguished in the freehold and the inheritance of the lands in respect of which the said tithes were heretofore payable-----

And whereas more than six calendar months have expired since the day of the date of the confirmation of the said award and no apportionment of the rent charges awarded and remaining to be paid in lieu of tithes for the said Township of Fulford hath been sent to the office of the Tithe Commissioners by virtue of the power to that effect given to them by the said Act do hereby apportion the rent charge as follows-----

Total area of the Township is One hundred and sixty acres two roods twenty one perches.

Imperial Bushels and Decimal parts of an Imperial Bushel of Wheat Barley and Oats

	<u>s.</u>	<u>d.</u>	<u>Bushels</u>
Wheat	7	$\frac{1}{4}d$	81.06825
Barley	3	$11\frac{1}{2}d$	143.78948
Oats	2	9	206.96970

Signed T.W.Buller
R^d.Jones

Gross rent charge payable to the Titheowners in lieu of tithes for the Township of Fulford in the Parish of Stone in the County of Stafford.

To Charles Bromley	£1.7.6
To Thomas Batkin	2.0
To Richard Beard	£1.17.0
To William Blurton	£1.1.0
To Richard Clarke Hill	£2.0.0
To Thomas Hughes	£3.0.0
To William Jarvis	£3.10.0

To George Mellor and others	£1.7.0
To Sarah Sargent	£3.12.0
To John Marsh	£4.5.0
To Adam Walters	£2.9.0
To Thomas Allen	£53.15.0
To Richard Clarke Hill	£5.0.0
To Swynnfen Jervis	£2.2.0
	<u>£85.7.6</u>

The tithe map as certified by

W^m. Blamire
T.W.Buller



This tithe map of Fulford in 1849 was produced by the author and is based on the original dated 20th November in Staffordshire Record Office

The Fulford properties shown on the 1849 tithe map are:-

MAP REF.	FULFORD PROPERTY DESCRIPTION	OCCUPIERS NAME	OWNERS NAME
219	House, outbuildings, and garden	Richard Beard	Thomas Hughes
243	Rickyard and garden	In Hand	Thomas Batkin
244	House and garden	In Hand	Thomas Batkin
245	House (<i>Fulford House</i>) and garden	Mary Mayer	Thomas Batkin
246	House, shop, and garden	In Hand	William Fenton
247	Cowhouse and yard	In Hand	William Fenton
249	2 houses and gardens	George Farrall & another	Richard Beard
252	House and garden	Thomas Sargent Jnr.	the late Thomas Allen
253	House and garden	Thomas Cotton & another	Richard Clarke Hill
254	Public House (<i>Shoulder of Mutton</i>) and garden		
		Samuel Thomas	Richard Beard
255	House and garden	Samuel Cotton	Richard Beard
256	House (<i>part of Madge Yard</i>)	James Titley & another	Richard Beard
257	Garden (<i>part of Madge Yard</i>)	James Titley & another	Richard Beard
259	Croft	Samuel Cotton	Richard Beard
261	House (<i>Ivy House</i>), outbuildings, and garden		
		Thomas Jenkinson	Joseph Jenkinson
263	Outbuildings and yard	Benjamin Finney	Richard Clarke Hill
264	House (<i>Fulford Hall</i>) yard & garden	Benjamin Finney	Richard Clarke Hill
266	Church (<i>St. Nicholas</i>) and yard	In Hand	Rev. William Oliver
267	House and garden	Void	Richard Clarke Hill
268	House and garden	Void	Richard Clarke Hill
272	2 houses and gardens	John Titley & another	the late Thomas Allen
275	Garden	Thomas Davall	Samuel Davall
276	Cowhouse, stable, and yard	Thomas Davall	Samuel Davall
277	House and garden	John Tunnicliffe & others	Samuel Davall
279	House (<i>Rose Cottage</i>)	In hand	Thomas Jenkinson
280	House and garden	In Hand	Thomas Jenkinson
281	House and garden	John Tunnicliffe & others	Samuel Davall
282	House and garden	John Tunnicliffe * others	Samuel Davall
286	House and garden	Richard Ash	the late Thomas Allen
287	Garden	In Hand	Richard Ash
288	Garden	Thomas Scarratt	William Hall
289	Garden	Thomas Swift	William Hall
290	House (<i>Crossfields Farm</i>) & garden	Thomas Scarratt	William Hall
295	House (<i>Olde House</i>), outbuildings, and garden		
		In Hand	Sarah Sargant
297	House (<i>Manor Farm</i>) and garden	John England Jnr.	Thomas Allen
302	Outbuildings and yard	John England Jnr.	Thomas Allen
304	National School and yard	Thomas Sargent Jnr.	Thomas Allen
305	House and gardens	Wm. Jenkinson & others	Thomas Allen
306	House (<i>Rocklands</i>), outbuildings and garden		
		John England Snr.	Thomas Hughes
309	House and garden	Wm. Jenkinson & others	Thomas Hughes
310	Carthouse and yard	In Hand	Thomas Hughes
311	House and garden	Wm. Jenkinson & others	Thomas Hughes
463a	Outbuildings and garden	John Fairbanks	Elizabeth Cook and others
466	House (<i>Broom's Farm</i>) and garden	John Fairbanks	Elizabeth Cook and others
488	House (<i>Fulford Manor Farm</i>), outbuildings and rickyard		
		George Swift	Richard Clarke Hill
489	Gardens	George Swift	Richard Clarke Hill

The tithe map is certified by

W^m. Blamire

J. W. Buller