

Email exchanges concerning property ownership in East Meon at the time of the Tithe Apportionments.

The editor was attempting to find a form of words, to be used in a display headed 'Rural Penury' which would explain the layers of obligation which sat upon the people on the bottom rung of land ownership.

LANDOWNERS.	OCCUPIERS.	Numbers referring to the Plan.	NAME AND DESCRIPTION OF LANDS AND PREMISES.	STATE OF CULTIVATION.	QUANTITIES IN STATUTE MEASURE.		Amount of Rents & Tithes apportioned, &c. for several years, &c. to each person.				REMARKS.
					A.	R.	PAYABLE TO	PAYABLE TO	PAYABLE TO	PAYABLE TO	
							Rectory.	Impropriety.	Parish.	Other.	
Reverend Frederick	Hemself.	150	Garden on Marsh				23				John Bonham Carter
General Pitt Col.	William Pitt	1410	West House "A"				1 29				By (continued)
Major George	George Henry	532	Reckless Stead	Pasture	2	29	3	8			
	Richard Heyes	545	Wood	Wood	1	34					14
		546	Common Field	Arable	1	3	14	1	6	10	6
		551	5 Acres	do	5	1	11	14		1	7
					5	2	9	3	6	1	17
	Henry Pitt	728	Bishop's Field	Arable	5	2	8	11	8	1	11

The proposed wording was: "This extract from the 1852 Tithe Apportionments shows the layers of obligation which sat upon the tenants of buildings and land. On the right, one of the great landlords John Bonham Carter. In the third column from the right, the tithes paid to the church. On the extreme left, the immediate 'owners'."

David Rymill, the HRO archivist, sent these notes to Michael Blakstad

27 March 2013 20:59:35 GMT

The question about landholdings is a complicated one and I must confess I have sometimes wondered, and never quite worked out, whether the people who compiled tithe awards were given much advice as to who they were to call the landowner and who the occupier - given that a single piece of land can easily have multiple people who might be called owners and occupiers, once one gets into mortgaging, sub-letting and so on - for instance, often one gets a farmhouse with numerous associated cottages which all have the same 'occupier' whereas no doubt in fact the 'occupier' is the tenant farmer who lives in the farmhouse, and the cottages are actually the homes of his labourers, shepherds etc - not always) different from an occupier in the census.

"With regard to East Meon my assumption is as follows - and I must stress this is just based on the theory and I have not investigated East Meon specifically, so no guarantees!

- The Bishop in his capacity as lord of the manor and thus the overlord of the copyholders doesn't feature, or one would end up with him listed as the owner of most of the parish.

- The 'landowner' column should I think list the person who is the freeholder of freehold land, or the copyholder of copyhold land.

- The 'occupier' column should list the tenant who leases or rents the property from the 'landowner' - or in the case of owner-occupiers it will say 'himself' or whatever.

- The Vicar (in parishes where there was one) received the Lesser Tithes - i.e. the tithes payable on certain lesser crops - he received these as a major part of the living to which he was entitled as Vicar, and once he had been inducted he was in pretty absolute possession of them until death, retirement or deprivation, not simply as the Bishop's representative.

- In parishes where there was a Rector who was actually the parish clergyman and there was no Vicar, he was entitled to both the Lesser Tithes and the Great Tithes, i.e. the major crops. In parishes where there was a Vicar, this was most often because the parish had been 'appropriated' or 'impropriated' by a monastery in the Middle Ages; the monastery effectively was the Rector, as a corporate body, and appointed a Vicar to serve the church, who would receive the Lesser

Tithes while the monastery received the Great Tithes. At the Dissolution of the Monasteries in the 1530s the position of Rector often passed to a layman who was known as a Lay Impropriator and received the Great Tithes and appointed the Vicar; some impropriate Rectories were held by Oxbridge colleges and other corporate bodies. Like any piece of property, the right to receive the tithes could be leased or rented. It might well suit a lay Rector who wasn't engaged in farming to rent out the right to receive tithes to a local estate owner, given that, prior to the tithe commutation (the process of converting tithes from variable payments, usually in the form of actual agricultural produce, to fixed money payments, which is what the tithe maps and awards were drawn up for), the lay rectors might have ended up with lots of produce they had no experience of dealing with. It looks to me as if JBC had taken a lease of the tithes from whoever the Lay Rector was - so in respect of the tithes he was actually the tenant, not the landlord. But as he undoubtedly was a great local landlord I am quite happy to leave it as you have written it as this is a bit technical and does not really matter with regard to the general theme of rural poverty!"

Michael Blakstad to: George Bartlett

28/03/2013 11:08

Dear George

A question has arisen concerning the wording I have suggested for a display at the HRO in the exhibition which is being mounted next week.

The placard in question attempts to describe the pressure on tenants of the land at the time of the Tithe Apportionments. As you may remember, the TAs list:

Lessees - not many of them, and mostly large powerful families such as Viscount Gage, John Bonham Carter, Sir William Joliffe ...

Owners - many recognisable names of farmers and relatively prosperous families in the village

Occupants - sometimes not the names listed in the 1851 census, which suggests that they in turn have sub-let to people at the bottom of the ladder.

I have added my own two ha'porth:

"The word I have difficulty with is 'Lessees'. My thinking is roughly this:

The five mentioned in the East Meon TAs are, like JBC and as you say, rich and powerful families - well, one is a Trust - and I therefore assume that they are likely to be the big landowners (or landlords). Otherwise, why are they mentioned?

The etymology of 'Lessee' should mean that they are people to whom land is 'let' And the only person higher in the food chain is the Bishop. As you say, post-Restoration, his title as Lord of the Manor is relatively impotent. But who else could it be?

Unless the word is being used (inaccurately) to mean someone who actually does the letting ... Quite often, the so-called 'Owner' is the same as the Lessee, just as the Occupier is sometimes the same as the owner.

Looking at the 1851 census, and bearing out your point of multiple occupancy, the residents listed are quite often not the ones listed in the TAs as occupant!"

George Bartlett

1 April 2013 23:13:10

I have read what David Rymill has to say with great interest. He is wonderfully resourceful, and it is very good of him to write at such length. There are one or two things I would say about what he has written.

(a) The lessees would have been lessees of the Bishop as freeholder, probably each under a lease for his life. The Bishops had been granting such leases from at least the 17th century and probably for much longer. A lessee might have some of the land in hand, but more probably the land would be let on tenancies to farmers.

(b) The fact that the Bishop was lord of the manor is not of significance in terms of land tenure. Although it was his ownership (as freeholder) of the land that had made him lord of the manor in the first place, the lordship conferred no interest in land. Lordships of manors are interests that can be disposed of independently of any interest in land. It was, as I say, as freeholder that the Bishop granted leases.

(c) It is not surprising, for the reason that David gives, that there is no coincidence between those who are identified as occupiers in the tithe award and the names appearing in relation to each property in the census. For certain purposes an employer is treated as being in occupation of a house that is lived in by his employee

- that would have been so, for instance, for the purposes of rating; and agricultural land and buildings were rateable in the 19th century.

(d) The basis on which tithes were paid (what crops etc they were payable for and whether any land was tithe-exempt) was determined by presumed prescription (here by the Bishop) before 1189. The leading case on prescription by a spiritual person non decimando (ie tithe-exemption) is in fact an East Meon case - Wright v Wright, decided in 1596 and known as the Bishop of Winchester's case. The 750 acres of Court Farm were tithe-exempt.

(e) Tithes in East Meon did not, I think, have anything to do with the dissolution of the monasteries (although for a time some of the land was held by the Bishop in trust to apply the income to the monks of St Swithun's), and there would never have been a lay rector. The vicar was vicar for the Bishop.

(f) The tithes to which the vicar was entitled were, as David says, known as the lesser tithes, but what crops etc they consisted of depended on the original prescription. From what I have seen (and in particular the case of Kemp v Pechell in 1833), I rather think the vicar may have been entitled to most things - certainly turnips!

In January 2014, David Rymill added the following comment:

I strongly suspect, in view of the fact that the word 'lessees' appears in columns relating to the tithes owed, rather than the columns on the left relating to the owners and occupiers of the land, that the 'lessees' referred to in the right-hand column are not lessees or under-tenants of the various properties themselves, but rather the lessees of the great or rectorial tithes payable on them; this suspicion is increased by the reference in the second column from the right to 'appropriator or his trustees' - I think that the appropriator, the person to whom the great or rectorial tithes, would have been payable, was leasing the right to receive these tithes, in respect of certain properties, to other individuals. There appears to be a considerable amount of evidence for the right to receive tithes on properties in East Meon being leased by the Bishopric estate - if you search on our online catalogue at <http://www3.hants.gov.uk/archives/catalog.htm> using the search words East Meon tithes lease you should find many deeds relating to this.