

Assistant Commissioners and Local Agents: Their Role in Tithe Commutation, 1836–1854¹

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I

Introduction

IN AUGUST 1836 the Tithe Commutation Act was passed by Parliament. It spelt the end of an outdated tithing system which had become the cause of much rural unrest and established a Tithe Commission in London to supervise the business of commutation. A number of local agents and assistant tithe commissioners were employed to implement the Commutation Act at grass-roots level. Eric Evans, in his book *The Contentious Tithe . . .*, describes them as 'the overworked infantry of the commutation army, who carried the battle in the field, working under strategic direction from Whitehall'.² It was the local agents and assistant tithe commissioners who, in the course of their visits to individual parishes, came up against unique tithe problems, and were required to understand them and in some cases arbitrate between the opposing parties. Without their careful handling of local disagreements about tithes and diligence in their work, the implementation of the Tithe Commutation Act might have passed off much less smoothly and speedily, and the tithe surveys, a valuable source of evidence much used by English agrarian and landscape historians, might have been seriously flawed. This article examines in detail the work of local agents and assistant tithe commissioners in

implementing the Tithe Commutation Act. Particular attention will be focused on one local agent and assistant tithe commissioner, Henry Pilkington of Corbridge in Northumberland.

II

The structure of the Tithe Commission

At the head of the Tithe Commission were three commissioners: William Blamire, T Wentworth Buller and Richard Jones. These men, based in London, were responsible for formulating the general policy for commuting tithes. Once commutation began they were also required to confirm local agreements and awards for tithe commutation. The secretary to the Commission, his assistant, over thirty clerks and twenty draughtsmen were also based in London. The local agents and assistant commissioners were the link between this central organization in London and parishes and townships throughout England and Wales. They travelled throughout the country, visiting parishes and assisting with commutation.³ Between August 1836 and January 1839 fifteen assistant commissioners were appointed (two also resigned during this period), a further seven men were appointed as 'assistant commissioners for special purposes', and twenty-two men were appointed as local agents.⁴ As the pace of commutation gathered momentum in 1838 and through the early 1840s more assistant commissioners and local agents

¹Research for this article was conducted while the author was employed as research assistant at the University of Exeter on a project financed by the Social Science Research Council to compile *An Atlas of Agriculture in England and Wales circa 1840*. R J P Kain, 'Compiling an atlas of agriculture in England and Wales from the tithe surveys', *The Geographical Journal*, CXLV, 2, 1979, pp 225–35.

²Eric J Evans, *The Contentious Tithe. The Tithe Problem and English Agriculture, 1750–1850*, London, 1976, p 138.

³The exception to this was Capt. R K Dawson (assistant commissioner) who was based in London.

⁴BPP 1839, XLI, 555.

were employed. Seventy is a conservative estimate of the total number employed.⁵

III

The duties of assistant commissioners and local agents

In order to understand how the tithe commissioners decided on the suitability of an applicant for the post of either assistant commissioner or local agent it is necessary to examine the differences in emphasis of the duties attached to each appointment. Although both assistant commissioners and local agents worked locally in the parishes and townships, local agents were only required to visit places where tithe-owners and landowners had *agreed the rent-charge* to be paid in lieu of tithes, and to report on the fairness of this agreement. An assistant commissioner's duties were more diverse. Part of his time was spent reporting on agreements which had been reached, but from 1840 a significant proportion of it was in parishes where an agreement could not be reached, and consisted of hearing evidence from both parties and deciding upon the sum to be paid in lieu of tithes, *i.e. making an award*. Later he might also have to hear appeals against awards, or against the apportionment of rent-charge amongst the landowners. Assistant commissioners (special purposes) were temporary appointments and their duties, though more diverse than those of a local agent, did not always include the full range undertaken by assistant commissioners. Three local agents were promoted to assistant commissioner (special purpose): Henry Pilkington on 23 December 1839, Thomas Hoskins on 23 December 1840, and Francis Offley Martin on 1 July 1841. This coincided with the stage in commutation when there was a great deal of

work to be done on the apportionment of rent-charge and more assistant commissioners were required to hold apportionment appeal meetings. These three men dealt mainly with such matters; Henry Pilkington, for example, was not asked to draft awards.

Assistant commissioners were expected to be available at all times for tithe commutation employment.⁶ The different manner of payment of assistant commissioners and local agents further reflects the differing emphasis of their work. An assistant commissioner was paid £3 per day for each day he was employed on the Tithe Commission's business plus an allowance of a guinea for personal expenses and 1s per mile for travelling expenses; a local agent was paid for piece work, at the rate of £5 5s 0d for each parish viewed and reported on.⁷ An account giving details of the expenditure of the Tithe Commission in the year ending 5 January 1842 gives as its largest item £21,677 3s 9d for assistant commissioners' salaries and travelling expenses whilst only £2,618 19s 8d was paid to local agents for reporting on voluntary agreements.⁸ In this year 635 agreements had been confirmed, 469 awards made and 1,721 apportionments completed.⁹

The appointment of assistant commissioners and local agents

'Assistant commissioners needed resourcefulness, initiative and considerable professional skill,' wrote Eric Evans.¹⁰ These qualities were certainly required for an assistant commissioner holding award meetings, assessing the evidence given at them (especially on the validity of moduses, *i.e.* small fixed payments in lieu of tithes), and awarding a fair rent-charge. Unfortunately, the papers of the Tithe Office which

⁵Sixty-seven men reported on agreements to commute tithes. Assistant commissioners Thomas J. Tatham and Capt. R K Dawson did not work at all on agreements; the former attending award and apportionment meetings and the latter supervising the inspection of tithe maps. Similarly, Francis Offley Martin, who was appointed as an assistant commissioner for special purposes in 1841, dealt with problems arising out of the apportionment of rent-charge.

⁶R J P Kain and H C Prince, *The Tithe Surveys of England and Wales*, CUP, forthcoming.

⁷BPP 1839, XLI, 555.

⁸BPP 1842, XXVI, 344. Admittedly part of the total paid to assistant commissioners was for reporting on agreements.

⁹BPP 1841, sess 2, II, 46; BPP 1842, XXXIII, 102.

¹⁰Evans, *op cit*, p 138.

might have given an indication of the considerations which influenced the Tithe Commissioners in their choice of men for the posts of assistant commissioner are seemingly not extant.¹¹ From the qualifications of some of those who were appointed it seems that they were required to have some experience of land valuation or management, together with an aptitude for the dispatch of public business. Assistant commissioner Joseph Townsend was a land agent from near Great Marlow, Buckinghamshire and had previously worked as an enclosure commissioner.¹² T S Woolley was a landed proprietor from South Collingham in Nottinghamshire, and J Mee Mathew had been auditor and agent to Lord Ferrers on his estate in Staffordshire.¹³ Twelve of the assistant commissioners were also barristers, and such experience of the law would have served them well when they were called upon to arbitrate between parties at award meetings.¹⁴

A local agent did not require the skill in arbitration which was essential for an assistant commissioner. He did, however, need to be fairly familiar with local tithing customs of the parishes he visited and

understand their influence on agricultural practice. He had also to be able to assess the quality and value of land, sometimes several thousand acres of it, in the course of a few hours' visit. The tithe commissioners, recognizing the importance of local knowledge, chose as local agents men with this type of expertise.

IV

The procedure for tithe commutation

Commutation of tithes, whether by agreement or award, had to be effected according to strict procedures. To help those involved, i.e. the titheowners, landowners, local agents and assistant commissioners, the Tithe Commission issued a mass of printed instruction sheets. These documents have occasionally survived in the tithe files, and others are held among solicitors' papers in county record offices.¹⁵

Agreements to commute tithes:

the involvement of the assistant commissioners and local agents

In the case of an agreement all the initial communication was between the parish concerned and the Tithe Office in London. The local agent or assistant commissioner did not become involved until an agreement which appeared to be in order had been received by the office. Only then would he be directed to visit the parish to make a report. Unfortunately there is no correspondence from the Tithe Office to the assistant commissioners and local agents in the tithe files (these contain only those papers relating to the particular district) and so it is difficult to assess how much control the tithe commissioners had over the itinerary of individuals. Certainly, the Tithe Office controlled the assignment of parishes and townships to individual assistant commissioners and local agents, but it seems that they themselves fixed the actual date and

¹¹ A search for these papers has been made at the Tithe Redemption Commission, the Public Record Office, the Board of Inland Revenue, the House of Lords Record Office, the British Library and the Royal Commission on Historical Manuscripts.

¹² Evans, *op cit*, p 138.

¹³ PRO, IR 18 9433, Mavesyn Ridware, Staffordshire.

¹⁴ The *London Gazette* lists the following appointments to assistant tithe commissioner: T S Woolley, 27 September 1836; H Dixon, 28 September 1836; J Johnes, Barrister of Dolecothy, Carmarthen, 3 November 1836; J S Donaldson, 11 November 1836; C Pym of Ryde, Isle of Wight, 14 December 1836; J Milner, 11 March 1837; T Sudworth of Blacon Point, Cheshire, 11 March 1837; C Howard of Melbourne, Yorks, 21 April 1837; T J Tatham of Russell Square, London, 18 May 1837; J D Merest of Bury St Edmunds, Suffolk, 10 June 1837; J Townsend of Wood-end, Bucks, 25 September 1837; *J M Herbert, Barrister, 6 March 1838; J Smith of Lewes, Sussex, 9 March 1838; *J M Mathew, Barrister, 15 March 1838; *J J Rawlinson, Barrister of Milnthorpe, Westmorland, 20 April 1838; J Hibbert, Barrister, 27 April 1838; G Louis, Barrister of Colyton, Devon, 1 November 1838; A Owen of Egryn, Denbigh, 1 November 1838; J J Rawlinson, Barrister of Milnthorpe, Westmorland, 17 January 1839; *J Jerwood of Teignmouth, Devon, 12 February 1839; *H B Gunning, Barrister of Whittlesford, Cambs, 20 March 1839; *G H Whalley, Barrister, 8 June 1839; C Thompson, Barrister, 6 December 1839; H Pilkington, Barrister, 23 December 1839; *T Hoskins of Gosport, Hants, 23 December 1840; *F O Martin, Barrister, 1 July 1841. *Denotes appointments to assistant commissioner (special purposes).

¹⁵ Salop County Record Office, Papers of Thomas Salt, Solicitor; Devon Record Office, Burrow and Co., Solicitors of Cullompton.

time of a visit. The Tithe Office informed the parish that an assistant commissioner or local agent would be visiting it to report on the propriety of confirming their agreement, and prior to his visit the assistant commissioner or local agent sent out a circular to the parish.¹⁶ It stated the day and time he would be arriving, requested that certain documents be made available, and also asked that someone well acquainted with the parish should accompany him on a view of it.

The reports on agreements made by the assistant commissioners and local agents are contained in the Tithe Files at the PRO (Kew).¹⁷ They were required to be unbiased reports and their purpose was to help the Tithe Commissioners decide on the propriety of confirming agreements. In a report the assistant commissioner or local agent had to furnish details of the meetings which had been held to agree a rent-charge in lieu of tithes, to state the amount of tithes paid in kind, the compositions and rates which had been paid, to form an opinion of the quality of the lands and system of farming, and to give a valuation of the titheable produce. He had also to decide whether to advise that the agreement be confirmed. Almost always he was able to recommend that it should.

Location of work by assistant commissioners and local agents reporting on agreements

During the first year after the passing of the Tithe Commutation Act assistant commissioners and local agents were not needed on a regular and full-time basis by the Tithe Commission but they were employed on a broad geographical canvas. For example, in 1837 J D Merest reported on agreements reached in Staffordshire, Shropshire and Lincolnshire, but his later work was entirely confined to East Anglia. From 1838 it seems that many assistant commissioners and local agents were employed mainly in one part of the country. This was fairly easy for the tithe

commissioners to organize between 1838 and 1841 because of the large number of agreements being reached. Tithing customs, agricultural practices and the value of land varied markedly from one part of the country to another, and so to employ assistant commissioners and local agents mainly in the districts which they knew, would help to ensure that the reports contained relevant information and that a correct interpretation was made of the evidence which had been presented.

It might be expected from the title 'local agent' and the fact that no travel expenses were paid to these men, that the geographical area in which they worked would be much more circumscribed than that of the assistant commissioners. Some local agents did work in a fairly small area. John Farncombe reported on agreements reached in Kent, Sussex and Hampshire, whilst William Mears worked only on agreements reached in Norfolk, Suffolk, Cambridgeshire and Huntingdonshire. However, if the geographical distribution of the work of the twelve assistant commissioners and local agents who completed most reports on agreements (56 per cent) is examined, it is evident that assistant commissioners might also work in a fairly small region while some local agents had wider geographical horizons. It does seem, however, that in many cases both local agents and assistant commissioners tended to do most of their work in one part of the country.

Appendix 1 indicates that nine assistant commissioners and local agents had a distinct regional bias in their work and that at least five lived in the area in which they reported for the Commission.¹⁸ Charles Howard (of Melbourne, Yorkshire), Henry Pilkington (Corbridge, Northumberland) and R B Phillipson worked mainly in northern England and to a much lesser extent in the Midlands; Henry Gunning

¹⁶Salop County Record Office, Papers of Thomas Salt, Solicitor (OI) - 189; (OI) - 46.

¹⁷PRO IR 18.

¹⁸This does not mean that they were necessarily natives of the region in which they mainly worked. They may just have lived there for the duration of the tithe commutation.

(Whittlesford, Cambridgeshire) and J D Merest (Bury St Edmunds, Suffolk) worked in East Anglia; James Jerwood (Teignmouth, Devon) and R Page worked in south-west England; George Bolls in western England; Thomas Hoskins in western England and south Wales. Only J Pickering, R Kynaston and T S Woolley seem to have worked over a wider area. In the last case this is partly explained by the fact that the Tithe Commission held the judgement of T S Woolley in high esteem and on occasions when they felt the initial report on an agreement was unsatisfactory they would send him to give a second opinion.

Reporting on agreements reached in the Welsh townships and parishes was almost solely the responsibility of four men.¹⁹ John Fenton and Aneurin Owen worked mainly in north Wales and Thomas Hoskins and John Johnes in central and south Wales. There were additional difficulties facing assistant commissioners and local agents working in Wales. Language and travel were obvious problems but there were also the many peculiarities of tithing customs to be taken into consideration. In parts of north Wales tithes were let annually by public auction, and strange moduses were claimed. At Llanfihangel Esgeifiog on Anglesey a modus of Sunday lunch for the minister was given in lieu of tithe of hay.²⁰ It is perhaps not surprising to find that two of the men chosen to work in Wales were themselves Welsh; John Johnes from Dolecothy in Carmarthenshire and Aneurin Owen from Egryn in Denbighshire.

Procedure for the commutation of tithes by award
From 1837 to 1841 the bulk of the work of assistant commissioners was concerned with voluntary agreements and apportionments. Only after 1841 were there more parishes

with tithes being commuted by compulsory award than by agreement.²¹ In parishes where an agreement to commute tithes could not be reached, a majority of either party could request the attendance of an assistant commissioner to arbitrate between them and award a sum to be paid in lieu of tithes. The spirit of the Tithe Commutation Act was to encourage voluntary settlement, so before 1840 the tithe commissioners encouraged agreements for rent-charge wherever they could.²² After 1840 this policy had to be changed somewhat as the tithe commissioners realized that in many parishes there was little likelihood of a voluntary agreement being reached. They sent letters to the incumbents of these parishes informing them of their intention to commute the tithes by a compulsory award and notifying them of the date on which an assistant commissioner would attend to hold a meeting in the parish.²³ The minister was required to fix a notice of this meeting (twenty-one days in advance) to the church door and return a copy of the paper to the Tithe Office.²⁴ A synopsis outlining the course the assistant commissioner would take in making the award was also sent to the parish.²⁵ This informed the titheowners and landowners of the facts which the assistant commissioner would request, and indicated the stages in the proceedings where they would be allowed to put their cases. The minutes of award meetings together with the draft award are usually contained in the tithe file. The award might be disputed, either because there were errors in it or because one party was dissatisfied with the total sum awarded. Minutes of award appeal meetings and supplementary awards are also to be found in the tithe files. Once an award had

²¹ Kain, *op cit*, p 227, fig 1.

²² Evans, *op cit*, p 14.

²³ Salop County Record Office, Papers of Thomas Salt, Solicitor (OI) - 263.

²⁴ Salop County Record Office, Papers of Thomas Salt, Solicitor (OI) - 124; (OI) - 142.

²⁵ Salop County Record Office, Papers of Thomas Salt, Solicitor (OI) - 130.

¹⁹ Three other assistant commissioners/local agents completed a few reports in Wales: C Pym, two reports; M Sayer, one report; G Bolls, one report.

²⁰ PRO IR 18 13853.

been confirmed the rent-charge was apportioned amongst the various landowners. The final duty of an assistant commissioner was to attend meetings to hear appeals against the apportionment.

By 1844 the tithe commissioners were proud of the success of this scheme for commuting tithes where disputes existed. Deploying assistant commissioners to the parishes to hear evidence and make awards was a much less expensive procedure than calling the witnesses for the opposing parties to London. The tithe commissioners also felt that by undertaking the legal proceedings of making an award in the parish itself justice would actually be seen by all concerned to be done. Assistant commissioners had by this time made considerable progress with the commutation of tithes in parishes where disputes existed. The Revd R Jones cites the example of assistant commissioner John Maurice Herbert, who between August 1836 and July 1844 dealt with 148 disputed cases, and in only ten had appeals been made against his decisions. The Revd R Jones was strongly in favour of a similar system being adopted for dealing with disputes concerning inclosures under a General Inclosure Act.²⁶

V

The career of Henry Pilkington, local agent and assistant tithe commissioner

Henry Pilkington was born in 1787. He was the eldest son of William and Sarah Pilkington who both came from minor gentry families in Yorkshire.²⁷ His father was an architect in London.²⁸ In 1805 Henry went up to Oriel College, Oxford. He graduated in 1810, was admitted to Gray's Inn in 1812 and called to the bar in 1815.²⁹ In

1834 Henry Pilkington obtained his first appointment in government service, for it was in that year that the poor-law commissioners appointed nine assistant commissioners to help bring about the introduction of the workhouse system throughout the country. The poor-law commissioners were looking for the 'possession of sound practical knowledge and experience of the subject matter . . . or the possession of acknowledged talent and general aptitude for the dispatch of public business', in their choice of men for the posts of assistant poor-law commissioners.³⁰ After offering to serve as an assistant commissioner in a letter dated 8 September 1834, and prior to his subsequent appointment in November, he bombarded the commissioners with letters detailing the advice he had given in his professional capacity on the Poor Law Amendment Act in cases of bastardy and the marriage of paupers. By these means he managed to convince the commissioners of his suitability for the post of assistant poor-law commissioner.³¹ A similar example of lobbying has come to light for the post of assistant tithe commissioner.³² Pilkington was interviewed at the end of October and appointed assistant commissioner on 4 November 1834.³³

Assistant poor-law commissioners were instructed to investigate the workhouses, and furnish themselves with data for determining how the parishes should be grouped together and relief given.³⁴ They were also required to meet the poor-law commissioners frequently to decide on their general course of proceedings and to discuss their recommendations before they were put into operation. The post of assistant poor-law commissioner was a full-time one and was well paid: £700 per annum in 1836,

²⁶ BPP 1844, V, 583, pp 3-4.

²⁷ John Burke and John Bernard Burke, *A genealogical and heraldic dictionary of the landed gentry of Great Britain and Ireland*, Vol. II, London, 1846, p 1042.

²⁸ *Gray's Inn Admission Register, 1521-1887*, part 2, p 415.

²⁹ Joseph Foster, *Alumni Oxonienses: the members of the University of Oxford, 1715-1886: their parentage, birthplace, and year of birth, with a record of their degrees*, Vol III, Oxford and London, 1888, p 1117.

³⁰ BPP 1835, XXXV, 500, p 8.

³¹ PRO MH.33.5.

³² Kain and Prince, *op cit.*

³³ PRO MH.2.1.

³⁴ PRO MH.1.1.

plus a guinea a day for maintenance when out of London, and travel expenses.³⁵

Such experience in the implementation of legislation at a local level, coupled with his training as a barrister and the fact that he was himself a titheowner, might appear to have been valuable for work as an assistant tithe commissioner, but Henry Pilkington was only appointed as a local agent.³⁶ There was certainly plenty of competition for the posts of assistant tithe commissioner at this time; the appointment of Joseph Townsend indicates that the qualifications of the applicants were carefully scrutinized.³⁷ The mysterious circumstances surrounding Pilkington's resignation from the post of assistant poor-law commissioner in 1836 may have militated against his chances of employment as an assistant tithe commissioner in 1837. Henry Pilkington resigned poor-law employment on 22 February 1836, having worked for the Poor Law Commission in Sussex, Hampshire, Lincolnshire, Northamptonshire, Rutland, Huntingdonshire and Leicestershire. In these counties he had been instrumental in declaring twelve unions, uniting 272 parishes.³⁸ Until an incident in July 1835 when instructions concerning the election of guardians that he had given to the parish of Hove, Sussex had to be recalled and a different order issued by the poor-law commissioners, there is no indication that they were in any way dissatisfied with his work.³⁹ Then in early December 1835 he was told not to interfere further in the Newark and Claypole unions.⁴⁰ Following his resignation on 22 February 1836 it is recorded in the register of correspondence that Mr Pilkington had 'transmitted a circular . . . to every union he had formed . . . requesting them to express their opinion of the manner he had discharged his duties as

assistant commissioner . . . Several noblemen and gentlemen had written to him expressive of their good opinion of him that his dismissal is loss of public if not of private character.'⁴¹ He had also enclosed copies of testimonials from the Marquis of Exeter, James Morton Esq., magistrate and chairman of Holbeach union, Mr Moore, magistrate and chairman of Spalding union, Lord Brownlow, the Duke of Rutland and several others. Finally, on 12 March 1836 he hopefully put in a request to the commissioners that they should not object to paying him his full quarter's salary.⁴² This plea fell on deaf ears, and they paid him off with his salary (£101 12s 11d) and his expenses (£96 0s 5d) to 22 February 1836.⁴³

VI

Henry Pilkington's work as a local agent for the Tithe Commission 1837-38

Henry Pilkington began working as a local agent for the Tithe Commission in 1837. In that year he completed thirty-four reports on agreements to commute tithes in the four counties of Essex, Cheshire, Shropshire and Staffordshire (Table 1). The relatively small amount of work he did in 1837 compared with the next two years reflects the production of agreements in the parishes and townships, which grew rapidly to a peak in 1839 and fell thereafter.

The nature of his agricultural descriptions and his careful land use and crop valuations indicate that he was anxious to provide the tithe commissioners with all the information that they might require. They are much more detailed than those produced by many other local agents and assistant commissioners at this time. Perhaps he was keen to avoid a repetition of his previous downfall. It appears that in most of the parishes and townships he visited in 1837 he made a detailed inspection of the land. At Norham, Cheshire he writes,

³⁵ BPP 1840, XXXIX, 425; PRO MH.1.1.

³⁶ PRO IR 18 7037, Heddon East, Northumberland.

³⁷ Kain and Prince, *op cit*.

³⁸ BPP 1837-38, XXVIII, 147.

³⁹ PRO MH.1.2.

⁴⁰ PRO MH.33.5.

⁴¹ PRO MH.33.5.

⁴² PRO MH.33.5.

⁴³ PRO MH.33.5.

TABLE I
Henry Pilkington's reports on agreements 1837-46
(source: PRO IR 18)

County	Total	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846
Cheshire	8	8									
Cumberland	13			12			1				
Derbyshire	1		1								
Durham	101		66	14	6	2	6	6	1		
Essex	5	3	2								
Lancashire	32		32								
Leicestershire	2							2			
Lincolnshire	2							2			
Northamptonshire	3			3							
Northumberland	173		13	97	29	3	6	16	6	3	
Shropshire	20	18	2								
Staffordshire	8	5	3								
Westmorland	11		1	10							
Yorkshire (E R)	4						4				
Yorkshire (N R)	23		11			1	6	2	2	1	
Yorkshire (W R)	16		7				3	2	2		2
Total	422	34	138	136	35	6	26	30	11	4	2

'The low land is generally wet and the high land in many parts appears "springy", and is as often sown with oats as with barley. The alternations too from sand to clay to sand again are as frequent and as sudden — the same close frequently affording several changes of soil — on one side of the road may be seen the holly which affects a dry soil, on the other the alder which will scarcely thrive off a wet one — on the banks of this close grows in abundance the Fox Glove, of the bottom of the next the family of the Rush claim exclusive possession.'⁴⁴

The ability to discern the quality of the land from knowledge of plants and their habitats gives added weight to his descriptions, and leaves the impression that they were written by one who was skilled at valuing land. Also, he always set out a detailed table of acreages of the various land uses and crops, and their yields and value.

In 1838 the tithe commissioners made a change in policy which was to affect the local agents and assistant commissioners. This was the introduction of printed questionnaire forms which helped to standardize the descriptions and statistical information provided in the reports.⁴⁵ From 1838 Henry

Pilkington was assigned work mainly in the northern counties (Table 1). In Durham and Northumberland he reported on more agreements than any other individual local agent or assistant commissioner, whilst in Cumberland, Lancashire and Westmorland he was the second most productive. He also worked in a few of the Yorkshire and east Midland townships, but in the main, this was not until the final years of tithe commutation by agreement, and this work forms only a very small proportion of his total output. There is no direct evidence for why he was selected to work in the northern counties. Pilkington's family ties were in Yorkshire rather than the border counties, and though his family were settled in Corbridge, Northumberland in 1841, it may have been a fairly temporary home. It is likely that they moved to Corbridge after he started to work for the Tithe Commission, since before 1837 his work for the Poor Law Commission was in the southern and eastern counties. By 1851 the Pilkingtons had moved from Corbridge.

⁴⁴ PRO IR 18 168.

⁴⁵ Questionnaire form (OI) — 99 was designed for use in the predominantly arable counties, and questionnaire form (OI) — 58 for use in the pastoral counties. The format of both types of

questionnaire is described in detail by E A Cox and B R Dittmer in 'The tithe files of the mid-nineteenth century', *Ag Hist Rev*, 13, 1965, pp 1-16.

Henry Pilkington's itinerary in the sample year 1839

Pilkington's itinerary in 1839 shows how a busy local agent's work was organized. In that year he reported on agreements reached in 136 parishes and townships. All but three of these were in Cumberland, Durham, Northumberland and Westmorland. His travels to visit townships in these counties were well planned in advance to incorporate as many parishes and townships as possible into a trip of about a week. In rural districts in this part of England road communications could be atrocious; at Hartside, Northumberland, he remarks, 'the roads can hardly be called roads they are so bad'.⁴⁶

A route which minimized mileage and time, whilst incorporating as many of the townships to be visited as possible, would bring him the greatest financial gain, since local agents were not paid travelling expenses. Very occasional visits, coming when they do, appear less logically planned, though perhaps the date inscribed on the report is not always to be believed. His sequence of visits between 12 and 14 November, and also between 10 and 12 July, must have involved a great deal of travelling. He frequently reported on several townships in the same parish on one day, e.g. on 17 June 1839 at Ovingham parish in Northumberland he reported on agreements reached at Horsley, Nafferton, Spittle and Whittle townships.⁴⁷ In the week between 29 October and 4 November 1839 he reported on agreements made in fifteen townships in the north of Northumberland. The first week of August was spent reporting on agreements in Durham and the first week of April in Westmorland. Generally it seems that Henry Pilkington attempted to adhere to a tight schedule involving a minimum of travelling in his visits. All the townships involved had to be notified in advance of the day and time of his visit and it would have been very difficult for him to alter his

schedule if visits and travelling did not go according to plan.

The time available to him to make his report, coupled with a better knowledge both of the agricultural and tithing practices of the region, and the type of detail required by the tithe commissioners, affected the agricultural information recorded in the tithe files. Parish descriptions were in general more concise than the ones he had made in his 1837 reports, and in some instances they were neglected altogether. At Keverstone and Raby townships he gave no descriptions of the land and quality of farming, merely referring the tithe commissioners to his report on Snotterton, another township in the parish of Staindrop which had the same rotation.⁴⁸ At Cartington in Rothbury parish he decided that a description was unnecessary since all the tithes were covered by a modus.⁴⁹ The land use and agricultural statistics given in answer to question twenty-two of the questionnaire were also less complete in his 1839 reports than they had been in earlier ones. Altogether there were forty-six tithe districts out of the 136 he visited in 1839 for which he gave only arable, pasture and woodland acreages. The most frequent reasons given for the lack of a full valuation were that the tithes were to be merged, or that the corn tithes were covered by a modus. A few examples of this are at Branton in Eglingham parish, Branxton in Branxton parish and Coupland in Kirknewton parish.⁵⁰ A different excuse is given at Mindrum township in the parochial chapelry of Carham where he writes, 'the compositions are the annual valuations of Mr. Lowrie, a very able, and here considered high valuer'.⁵¹ The absence of a valuation of the titheable produce and a description of the agriculture is frustrating for agricultural historians interested in the reports from the standpoint of discovering more about

⁴⁶ PRO IR 18 7022.

⁴⁷ PRO IR 18 7065/7143/7227/7295.

⁴⁸ PRO IR 18 2102/2129.

⁴⁹ PRO IR 18 6882.

⁵⁰ PRO IR 18 6846/6847/6896.

⁵¹ PRO IR 18 7134.

mid-nineteenth-century farming practices. The tithe commissioners, however, appear to have shown little concern, acquiescing to Pilkington's decision when he considered that such information was not essential for the confirmation of an agreement.

It is more surprising that Henry Pilkington managed to report on six Northumberland townships without visiting them at all! His reputation must by this time have been sufficiently high to allow him some flexibility in the way he performed his duties. There is no evidence of a reprimand for this lapse. At Crawley in Eglington parish on 12 November he writes: 'I did not visit this township, apprehending you would think my doing so a waste of time, as there is only one landowner in it, and only thirty-seven acres of land which are titheable in kind, and the same individual is owner both of the land and the tithes which arise from it.'⁵² At Hetton in Chatton parish he also thought there was no need to make a visit, but his excuse for not visiting Lyham township in that parish on 23 November was more colourful and highlights the rigours of a local agent's life:

'I was unable to visit this township. — I had intended to have visited it on the day I was overturned in my gig, but I was unable to reach it — and tho' I remained several days in the immediate neighbourhood, yet the rains, which had continued almost incessantly for a fortnight, had so swelled the rivers and brooks, that a ford, which I should have had to pass, was not then considered safe. Mr. Culley, however, one of the titheowners informed me that it is a township of inferior land, about half sandy loam and half clay — a township not as a whole very favourable either to the growth of turnips or to the breeding of sheep. Its climate is raw and the roads to and about it very bad.'

He adds, in humble vein:

'I shall at any time be ready . . . to visit the township . . . should you, after reading the following report, think it would be more satisfactory to you that I should do so.'⁵³

The tithe commissioners were, however,

prepared to accept this report despite the possible bias.

VII

Henry Pilkington: assistant tithe commissioner

By the end of 1839 fewer agreements were being reached. The number of reports on agreements made by Henry Pilkington from 1840 to 1846 accurately reflects this national trend. From this time tithe commutation increasingly took place by compulsory award at the instigation of the tithe commissioners, and from 1843 more awards were confirmed by the tithe commissioners than agreements. This placed a much greater demand on the assistant commissioners since it was they, and not the local agents, who were able to hold award meetings and draft awards. At the same time the amount of work created by the apportionment of rent-charge was increasing. This mainly took the form of appeals by landowners against the amount of rent-charge which had been apportioned on their land. Again, it was the task of assistant commissioners to preside over meetings to hear appeals against the apportionment. By 1840 the original one-to-one ratio of assistant commissioners to local agents was out of balance with the amount of work being generated for each to do. It is hardly surprising then (given his now apparently good reputation), that Henry Pilkington was appointed an assistant commissioner to help redress this imbalance. He was sworn in as 'an assistant tithe commissioner for especial purposes' at Newcastle upon Tyne on 23 December 1839.⁵⁴ From this time onwards his work for the Tithe Commission diversified. In addition to reporting on agreements he was sent all over the northern counties to attend apportionment appeal meetings, e.g. 28 August 1840 at Talkin, Cumberland; 31 August 1840 at Whicham, Cumberland; 2 October 1841 at Whinfell, Cumberland.⁵⁵ As late as 1847 he was still employed on this

⁵² PRO IR 18 6901.

⁵³ PRO IR 18 7048/7115.

⁵⁴ The *London Gazette*, 1839, Vol II, No 19806, p 2677.

⁵⁵ PRO IR 18 765/785/784.

business, e.g. 31 July 1847 at Whitehaven.⁵⁶ He was not, however, responsible as an assistant commissioner for presiding over the initial award meetings and fixing a rent-charge, though on a few occasions he was required to make a supplementary award in townships where an agreement or award had later been found unsatisfactory.⁵⁷ Another new aspect of his work was to give evidence to the tithe commissioners on the propriety of confirming awards. Such evidence was required from only a few townships in Pilkington's region. For example, on 21 April 1842 he reported on the awards which had been drawn up for Catchburn, Hepscott and Ulgham townships in Morpeth parish, Northumberland.⁵⁸ Having established himself through his previous work as the person with greatest knowledge of the tithing customs and agriculture of Northumberland, it was fitting that he should have been chosen to undertake these reports.

Henry Pilkington reported on more agreements in England than any other local agent or assistant commissioner. In all, he wrote reports on 422 tithe districts between 1837 and 1846. For the period 1837 to 1839 it can be calculated that he would have received £1617 for work which would have occupied him for between twelve and fifteen months. It should be remembered, however, that out of this sum he would have had to pay his living and travel expenses. From 1840 he would have been paid as an assistant commissioner for each day he worked on the Tithe Commission's business.

VIII

Conclusion

The different parts played by the local agents and assistant commissioners in tithe commutation are difficult to reconstruct in the

absence of the day-to-day working papers of the Tithe Office. It is likely that such papers would resemble in type the Poor Law Commission's documents, and include registers of correspondence between the tithe commissioners and the assistant commissioners and local agents, minutes of meetings held between them, ledgers etc. Unless these papers are discovered, suggestions made in this paper as to the way assistant commissioners and local agents were appointed, and their duties organized, can only be regarded as tentative. The career of one of the busiest local agents/assistant commissioners has, however, served to bring to light the importance of these men to tithe commutation and to show how their perception of the information required by the tithe commissioners often influenced the agricultural statistics and descriptions they provided in their reports. Henry Pilkington's work aptly illustrates the rigours (brought about by a hectic itinerary and bad roads) which were endured by the whole body of assistant commissioners and local agents in the course of bringing into effect this piece of nineteenth-century reforming legislation.

Correspondence to the Tithe Office contained in the file for Plumpton Street, Cumberland includes the following passage:

During the night of the 14th, however, much snow had fallen, and the coachman of the William would not start until a snow plough, which he understood the surveyor of the roads had promised to send, might have had time to somewhat smooth the passage. He therefore did not start till nine o'clock a.m., but bad as I had anticipated the state of the road, I found it far surpassed by the reality. Notwithstanding the snow plough and with six horses, with all the speed we could urge them to, and with many *all-but* upsets, we did not reach Newcastle, hungry, faint and starved to death (for the cold was Siberian) 'till between six and seven at night.⁵⁹

⁵⁶ PRO IR 18 788.

⁵⁷ PRO IR 18 1877, Auckland St Andrew, Durham; PRO IR 18 1887, Bedlington, Durham.

⁵⁸ PRO IR 18 6915/7046/7266.

⁵⁹ PRO IR 18 735, Plumpton Street, Cumberland. Letter from Henry Pilkington to William Blamire, written from Wigton, Cumberland on 18 December 1846 describing his journey from Alnwick to Newcastle on 15 December.

APPENDIX I

Location of work by Local Agents and Assistant Commissioners reporting on agreements

(source: PRO IR 18)

<i>Assistant Commissioner/ Local Agent</i>	<i>Counties and number of reports completed 1836-1848</i>
C Howard Assistant Commissioner	Yorks NR 75; Yorks WR 71; Yorks ER 43; Durham 42; Lincs 27; Lancs 11; Salop 8; York C&A 7; Cheshire 6; Staffs 5; Cumb 3; Westm 2; Notts 2; Rutland 2.
R B Phillipson Local Agent	Yorks WR 53; Cheshire 43; Yorks NR 40; Northumb 38; Salop 30; Durham 27; Staffs 26; Lancs 24; Derby 21; Lincs 14; Yorks ER 8; Notts 7; Westm 3; Leics 3; Rutland 2; Cumb 1.
H Pilkington Local Agent/Assistant Commissioner (special)	Northumb 173; Durham 101; Lancs 32; Yorks NR 23; Salop 20; Yorks WR 16; Cumb 13; Westm 11; Cheshire 8; Staffs 8; Essex 5; Yorks ER 4; Northants 3; Lincs 2; Leics 2; Derby 1.
H Gunning Assistant Commissioner (special)	Norfolk 109; Suffolk 86; Cambs 17; Hunts 2.
J D Merest Assistant Commissioner	Norfolk 161; Suffolk 64; Staffs 4; Salop 1; Lincs 1; Essex 1.
J Jerwood Assistant Commissioner (special)	Devon 122; Cornwall 61; Dorset 22; Somerset 7; Wilts 2.
R Page Local Agent	Somerset 284; Gloucs 23; Cornwall 9; Dorset 8; Hereford 6; Wilts 4.
G Bolls Local Agent	Wilts 144; Dorset 116; Gloucs 37; Hereford 16; Worcs 13; Radnor 1.
T Hoskins Local Agent/Assistant Commissioner (special)	Hereford 110; Monmouth 56; Pembroke 55; Brecon 52; Cardigan 42; Glamorgan 38; Worcs 36; Yorks NR 31; Carmarthen 29; Gloucs 27; Radnor 20; Yorks WR 16; Cheshire 10; Salop 9; Staffs 5; Lincs 3.
J Pickering Local Agent	Lincs 63; Surrey 29; Essex 20; Yorks WR 18; Notts 17; Leics 17; Suffolk 15; Derby 12; Norfolk 12; Salop 10; Staffs 8; Warwicks 7; Hants 6; Cambs 5; Beds 5; Berks 5; Kent 4; Rutland 4; Northants 4; Hunts 3; Yorks ER 3; Herts 3; Bucks 3; Oxon 2; Middx 1; Sussex 1.
R Kynaston Assistant Commissioner (special)	Essex 63; Suffolk 49; Kent 26; Hants 23; Berks 10; Derby 8; Norfolk 6; Oxon 6; Warwicks 4; Cambs 2; Staffs 2; Middx 2; Herts 1; Beds 1; Bucks 1; Surrey 1.
T S Woolley Assistant Commissioner	Lincs 47; Kent 46; Warwicks 26; Norfolk 14; Leics 13; Suffolk 12; Notts 11; Sussex 11; Hants 10; Bucks 9; Northants 9; Essex 8; Herts 7; Cambs 6; Hunts 5; Derby 5; Staffs 4; Beds 4; Berks 4; Surrey 4; Yorks ER 1; Worcs 1; Wilts 1.