



The Old Tithe Barn at Castle Eaton

Tithe Dispute Clerk v. Green

Nisi Prius Court
Bullock, Clerk v Green

Mr Graves stated that this was an action brought by the plaintiff, a clergyman, to recover the sum of £115 14s 10d for tithes due to him from the defendant, who was the owner of a large farm in his parish. The defendant's son had requested plaintiff to take the money by instalments, but the plaintiff wanted to have security. The defendant had been guilty of contempt in the Court of Chancery, and had been committed to the Fleet, and his son had continued in possession of the farm.

The Rev Thomas Morris, Curate of Castle Eaton, knows defendant who is the owner of half that parish, about 1100 acres. Has conversed with defendant generally with respect to the tithes in the parish. Witness saw the defendant's work people take in his crops. The fields were cleared, and no tithe left. The defendant occupied about 22 acres of glebe land belonging to the plaintiff. The defendant's son manages the farm. Defendant has not been in the parish since the son offered to pay some money on the part of his father. The defendant has complained of the amount of the composition. Some persons pay. Some persons pay 14s per acre for tithe on wheat in that parish; the lowest sum is 5s. The defendant had 200 acres of wheat last year, and about 50 acres of barley, 30 acres of oats, and 10 acres of turnips. There are about 200 acres of pasture belonging to the farm. The glebe land is worth £1 per acre. Should think the value of defendant's tithe was from £100 to £200. The tithes of the parish were never taken in kind till Michaelmas 1832.

Cross examined:- Brother in law to the plaintiff. Has seen the valuation of the parish, but it is not here. Has been over the land shooting. Was not present when all the corn was removed. The valuer is not here.

Mr Ball addressed the Jury for the defendant.

The learned Judge, in summing up, remarked, that he had never heard such slight and scrambling evidence produced in any cause. The Jury would, however, take the whole into their consideration; and if they were of opinion that there had been any proof of an arrangement for a composition, they would reduce the amount very considerably, as the plaintiff ought to have brought forward better evidence. - Verdict for the plaintiff, damages £40.

Salisbury and Winchester Journal Monday 11 March 1833