

Butt v Eagle. The Church Rate and Tithe Disputes.

Background.

The Rev. John W Butt BA, vicar of Lakenheath, arrived in the village in 1819 and almost immediately pursued a long-standing claim for tithe payments on unproductive fen land which had been initiated by the Dean and Chapter of Ely. The tithe was disputed by Robert Eagle on the grounds that it was unreasonable to expect tithes to be paid on land until it became productive. As Vicar, John Butt held an important position in the village and the church rate was not his only source of income. *In 1820 he was advertising private tuition for twelve 'young gentlemen' at a large house in Brandon at a fee of 35 guineas per annum.

**The Bury and Norwich Post sept 27th 1820.*

The Church rate- A tax levied for the upkeep of the parish church, including the salaries of vicar and curate, (if any) as well as the maintenance of the building. The Rate was payable by all who occupied land or a house in the parish and was determined by the churchwardens and parishioners.

Followers of independent sects such as Methodists and some radical **politicians often objected to paying the church rate, arguing that the Church of England received financial support from Parliament. It was abolished in 1868.

**Radicals: A group from the Whig Party ultimately formed the Liberal Party in the 1850's.

Wikipedia

Tithes- Most often associated with a payment to the 'Church', they were an ancient levy of one tenth of annual income, originally paid 'in kind', ie. a proportion of a crop. In 1836 the Tithe Commutation Act replaced payments 'in kind' with a cash payment based on the market value of the produce, for example, corn. The tax became known as the Corn Tax.

The Eagle family of Northlawn Cottage, later known as The Retreat, were the principal family in the village and important landowners. During the Napoleonic Wars the family were prominent officers of the Lakenheath and Wangford Volunteers. (See Time Line 4 at 1804).

Francis King Eagle, eldest surviving son of Robert and Elizabeth Eagle, was a respected local radical politician and prospective MP who lived in Bury St Edmunds. William Eagle, his brother, also stood for parliament as a radical MP. Both sons were barristers at the time of the disputes and were involved professionally in their father's legal affairs.

The Church Rate dispute

Our research shows that by 1822 relations between the Vicar and the Eagle family had become extremely unpleasant and had deteriorated to such a degree that an action for assault was brought by the Rev J W Butt against William Eagle who was a churchwarden of St. Mary's Parish Church, Lakenheath, and son of Robert Eagle. This lengthy article from The Bury and Norwich Post, Wednesday, April 2, 1823 has been edited and abbreviated.

Newspaper research by Michael Tuffs.

"Butt, ¹Clk. v. Eagle, Esq.- The plaintiff in this action is Vicar of Lakenheath, and the defendant is a barrister well known on this circuit..... The action was bought to recover damages for an assault committed in the vestry of the parish. It appeared from the evidence for the plaintiff that a ²Select Vestry was held on the 30th of January last, on the subject of an appeal against the ³rates on the part of *Mr. Death, a farmer, which had been postponed on a former occasion, on account of Mr. Eagle's absence; and that Mr. Eagle, being a church warden, told him (with what provocation it did not at this time appear) that he should be attended to when he behaved properly.

Mr. Butt then interposed, when Mr. Eagle said to him, “Poor old Robinson is dead, that you sucked your money from. Mr. Death retorted, ‘Never mind ³Sir Henry is not’ and that very abusive epithets had been applied by some of Mr. Butt’s friends to the defendant’s father, R Eagle Esq:the plaintiff said ‘You attend Radical meetings to teach the Ministers their duty, and neglect your own’”

Strong words continued during which the Vicar accused William Eagle of lying. William Eagle repeated that the Vicar had taken advantage of Mr. Robinson’s infirmity, which the Vicar again denied, and repeated that William Eagle was lying.

“.....At these words Mr. Eagle struck Mr Butt a blow with his fist, which brought him nearly to the ground”.

Damages were found for the Vicar in the sum of £10 -estimated as £900 today.

*Walter Death – During his lifetime miller, farmer and teacher in the village

Walter Death who was known to Sir Henry Bunbury through his membership of the ‘Lackford Association for the Prosecution of Persons Guilty of Felonies’. This was formed to combat felonies committed in the district. He later became the schoolmaster of Goward’s Free School in the village.

¹Church of England clergymen were traditionally termed ‘Clerks in Ecclesiastical Orders’ here abbreviated by the court to

²Select Vestry’ refers to the meeting to determine and levy the Church Rate or Tithe to be paid.

³Sir Henry Bunbury. Mildenhall Manor. Prominent landowner.

The Tithe Dispute.

The right of the Church to tithe payments dates from before medieval times and in England they were being increasingly disputed by land owners like Robert Eagle and parish vicars were more or less obliged to contest refusals. The Rev. Butt however seems to have pursued Robert Eagle with a consistent and exceptional determination, bringing a series of legal actions connected with a disputed payment of the Hay Tithe which required a payment of ‘the fruits of the earth’. These tithe actions were going on at or near the same time as those for the assault, clearly demonstrating the highly contentious state of affairs between the Vicar and Eagle family.

William Eagle represented his father in his legal actions whilst still a relatively young man. His main argument was that tithes were the property of the ‘Public and of the Poor’, a radical point of view at the time. Eventually the court found for the defendant, Robert Eagle, and William was highly praised for his advocacy, so much so that he seems to have made a name for himself writing a number of influential books * on the subject and also going on to advise Parliament. Despite this apparent success the matter was not completely resolved and the Rev. Butt left Lakenheath in 1825 with a debt of £7,000, a very large sum at the time.

Margaret Thomason 2009. ‘Rev. John William Butt 1819-1825. Research into the Tithe Suit’.

*Advert in *Cobbetts Weekly Political Register*. 18th July 1825.