

The Church Wall at Norton as a measure of Taxation.

By S. O. ADDY, M.A.

THE original of the following unpublished document is in the Jackson Collection at the Sheffield Public Library, and a short abstract of its contents is given on p. 130 of the *Descriptive Catalogue* compiled by Messieurs Hall and Thomas, 1914.

From this document it appears that in 1576 the inhabitants of Norton, which is four miles north of Sheffield, resolved that their rates and taxes, whether local or general, should be laid on every owner of land in the parish in the following way: An assessment was to be made by four men appointed by the constable and churchwardens, and each landowner was to pay in proportion to the number of oxgangs in the parish which he possessed. These oxgangs are described in the schedule as estimated "after the measure of the church wall." It need hardly be said that an oxgang was a portion of arable land which contained normally fifteen acres. Each oxgang lay in scattered strips in the open fields of the parish.

The number of the oxgangs was to be "reckoned after the old custom of the making and repairing of the church wall," and those who paid taxes are said to be "named in the church wall."¹

¹ In an original document, dated 42 Elizabeth (1599) in the possession of Mr. Charlesworth of Horbury, near Wakefield, to whose kindness I am indebted for a copy, the parish of Norton is rated for the furnishing of "their Ireland Souldier" for the army which Q. Elizabeth was raising to complete the conquest of Ireland. In this document the expression "In the Wall" is one of the methods for assessing certain of the parishioners and most of the names are identical with those in this article. See also vol. xxxvii., pp. 51-2 of this *Journal*.—EDITOR.

The resolution of 1576, however, did not satisfy the parties concerned, and they determined to submit their differences to the arbitration of the Earl of Shrewsbury, of Sheffield. To him they complained that the order and usage of making the church wall did not set forth the true number of oxgangs. They also complained that there were other oxgangs in the parish which ought to have been taxed or rated, but of which no mention was made by the order of making the church wall.

The Earl decided that the agreement of 1576 should, so far as regarded the number of oxgangs "named after the rate and making of the said church wall," stand good. But if it should be found that the owners of the said oxgangs were not paying enough, they were to be taxed on as many more oxgangs as should be placed opposite to their names in a schedule.

Moreover, there were certain landowners who "were not mentioned in the said church wall, neither did make or repair any part of the same wall." These persons were ordered to pay according to the number of oxgangs placed opposite to their names in the schedule, and they are described as being "without the compass of the church wall."

In a word, there were some landowners who did not pay enough, and others who paid nothing. For instance, in 1576 "the manor" was paying nothing, whereas in 1581 it was ordered to pay on six oxgangs. The name of Henry Taylor, who was Vicar of Norton in 1581, does not appear in the schedule.

The persons whose oxgangs were "without the compass of the church wall" were not apparently made subject to the ancient obligation of making and repairing that wall.

If the document of 1581 was ever recorded in the Parish Register it is not there now, though it was ordered to be enrolled in that book.

It seems clear that the church wall here means the churchyard wall. In the Burgery Accounts of Sheffield

“ mendinge the church wall ” in 1598 means repairing the churchyard wall.¹ A document given by Mr. Farmer in last year’s *Journal* shows that in 1612 the inhabitants of Diseworth had to maintain that part of the churchyard wall in Lockington which formerly they had kept and maintained.² At the taking of Chesterfield in 1266 it was noted that the men of the chapelry of Brampton, within the rectory of Chesterfield, were accustomed to make their part of the walls of the churchyard (*cemeteryi*) at Chesterfield; and that in the time of the war of Simon de Montfort they resorted to that part of the wall which they had made, and would not suffer others to be admitted there.³ Brampton was a dependent chapelry of Chesterfield, and there were four other dependent chapels, and possibly Diseworth was a dependent chapelry of Lockington. I have heard that the chapelries attached to Bakewell had each to repair and maintain a portion of the churchyard wall of that place, but I have no documentary proof of it. At Churchdown, near Gloucester, the names of the various chapelries of the medieval parish are still applied to divisions of the churchyard.

But we are not here concerned with the maintenance of churchyard walls of mother churches by their dependent chapelries. Nor are we concerned with fortified churchyards, like that at Chesterfield. We have to do with a church to which there were no dependent chapelries, and in which the holder of every landed estate maintained a portion of the churchyard wall, that portion being known by his name. The churchyard at Norton may, or may not, have been fortified.

At Chiddingley, in Sussex, the churchyard was surrounded by rails, each landed parishioner supplying a

¹ J. D. Leader’s *Records of the Burgery of Sheffield*, 1897, p. 76 and note.

² *Derbyshire Archaeological Journal*, vol. xxxvii., p. 17.

³ Pegge, in *Archæologia*, ii., p. 281.

length proportionate to the value of his property. They were marked with his initials, or with the name of his farm, and were known as "the church marks." The fencing, as an engraving of 1852 shows, was of different kinds.

It is obvious that if the churchyard wall at Norton was a measure of the taxation of land in the parish it was also a measure of the land itself, omitting however the properties of the lords of the manor and of the vicar. An inspection of the wall would have shown how much arable land each owner possessed, and it need hardly be said that the arable land was accompanied by various rights of common. By the second chapter of the laws of Henry I. lords of manors were exempted from the land tax on the ground that it would be unjust that lands liable to military service should pay a tax for the support of the army. This is possibly a reason why "the manor of Norton" was not taxed before 1581. But, inasmuch as the maintenance of the churchyard wall was a manorial service, we should expect that service to be performed by the tenants alone, to the exclusion of the lord. Why the vicar was exempt from taxation is not clear, for it is known that he was possessed of house and glebe. In 1581 "the manor of Norton" was in several hands. The term here means the lord's estate in the parish.

There are numerous cases in which the landowners of a parish were obliged to maintain their churchyard wall in lengths proportionate to the extent of their land. At an earlier time we find that one of the services of manorial tenants was to make and repair the wall and ditch of the *curia*, or court of the manor-house, or of the *burh*, its forerunner.¹

At Dyddenham, probably in the tenth century, it was the duty of every peasant or villan to embank one rod

¹ Cases are given in the present writer's *Church and Manor*, 1913, pp. 132-5. Where no references are given in this article they will be found in that book.

(*gyrd*) of the enclosure of the *burh*. At Tillingham, in Essex, each virgater, or holder of thirty arable acres, was, in 1222, subject to the service of cleansing the ditch round the *curia*, and repairing half a perch. In 1703 the churchyard of Threlkeld, near Keswick, was walled about with stone and lime in the proportion of $4\frac{1}{2}$ yards, or $13\frac{1}{2}$ feet, to every tenement. This was the short perch. Many other examples could be given, and any student can find out cases for himself.

There are other cases in which the tenants of manors were subject to the obligation of making a fence round the lord's orchard, sheepfold, or grange.¹ The well-known instance of the Penny Hedge, or Horngarth, at Whitby is a case in point. But in these other cases there is no mention of making a *proportionate* share; the tenants do the work jointly.

In the case which we are now considering what seems to be new is the fact that the churchyard wall was a measure of taxation, and incidentally an index to the quantity of arable land in the manor. One would have thought that it would have been easy to tax a man according to the number of his oxgangs, without bringing in the churchyard wall, and making it into a sort of account book. But we do not know the origin of the custom, and there may have been some good reason for it.

Let us at any rate bear in mind that a village church was the pivot round which the wheel of local economy revolved. It was more than a place of worship; it was a place of business. In tracing its history backwards we come at length to a time when the tower is a fortress, or watch-tower, and the churchyard is a courtyard defended by earthen banks or walls. And we also come to a time when nave and chancel were often surmounted by upper rooms, as at Steetley, evidently intended for habitation.

¹ *Whitby Chartulary* (Surtees Soc.), ii., pp. 365 *et seq.*

In his work on *Domesday Book*, the late Professor Maitland defined a manor as "a house against which geld could be charged," geld being the land tax.¹ That was a profound observation. But here at Norton, in the sixteenth century, the land tax is found to be charged against the *church*, and collected by the churchwardens. It need hardly be said that the word "manor," originally meaning a lord's house, afterwards came to mean the estate belonging to the lord, as it does in this Norton document.

Did the churchwardens really usurp manorial functions, and was the venue changed from the hall to the church? When lords of manors in England and France are found in the ninth century onwards to be everywhere the owners of the tithe, they are said to have stolen it from the church. But when churchwardens in later centuries are found collecting the taxes and administering the public affairs of their village, they are said to have stolen those functions from the manor. It is easy to make such statements, but to prove them is another matter. Neither in one case nor the other was there any usurpation.

In dorso.

1581.

COPY OF THE ORDER MADE BY THE EARLE OF SHREWSBURY CONCERNING THE PAYMENT OF TAXES IN NORTON.

In dorso in a later hand.

NOTES AND ORDERS FOR THE CHURCH AND KINGE.

1581. NORTON IN	}	An order made and sett downe the
COM. DERB.		
		thirde daie of September in the three
		and twentieth year of the reigne of our
		souveraigne ladie Elizabeth by the grace
		of God Quene of England France and
		Ireland defender of the faith &c by the
		right honorable George Earle of Shrews-
		burie emongest the inhabitants and
		parishioners of Norton aforesaide for

¹ *Domesday Book and Beyond*, 1897, p. 120.

and concerninge the order and vsage of all and all manner of laies assessments and payments which shalbe hereafter assessed laid or to be paid within the said parish for any manner of cause whatsoever as hereby shall be specified and declared

BE IT KNOWNE vnto all men that these presentes shall reade hear or see that the variance and disagreements emongest the inhabitants and parishioners aforesaid (wherevpon this present order is made) did rise and growe upon a former order and agreement made and agreed vpon by the said parties and sett downe in writinge subscribed with the hands and markes of the chiefest and most parte of the said parishioners which writinge beareth date the sixt daie of Julie in the eighteenth year of the reigne of the Quenes Majesty that nowe is the effect and meanyng whereof doth followe as thus viz. that all such laies charges assessments sums of money and contribucions which should after that day be charged leuied or leuiable vpon the said inhabitants of Norton aforesaid either for or towards the maintenance of the said parish or anie other matter touchinge the said church or els for or towards the furnishinge or settinge forthe of any men to serve the quenes majestie her heires or successors in their warres or for any other necessary or needfull cause or service whatsoever to be had or done within the said parish should be from time to time and at all times rated appointed apportioned assessed and laid particularlie and seuerally vpon everie owner and possessor of anie landes within the said parish by fowre indifferent men of the same parish to be chosen named and appointed by the constable or churchwardens for the time beinge accordinge to the number of so manie oxganges of land as euery such severall person haith or doth occupie within the said parish The number of which oxganges to be accompted and reckoned after the old custome and order of the makinge and repairinge of the church wall of Norton aforesaid &c VPON THE OPENINGE and hearinge of the grieffs and complaintes of some of the said inhabitantes and parishioners concerning the said former order it doth appear that the said grieffes and variance doe fall forth emongest them vpon twoe occasions First for that the order and vsage of the makinge of the church wall aforesaid doth not fully then indifferently sett forth the true and iust number of oxganges of land by the which everie person contained in the circuit of the said church wall ought to be laid by or charged with Secondly because thear be diuers other oxganges moe within the said parish which are and ought to be charged with laies as others be whereof no mencion is made by the order of the makinge of the said church wall Therefore the said right honourable Earle after long hearinge of the grieffes complaints and answears of all parties on both sides at large doth for their quietness and for a perfect and perpetual order and rate herein to be hereafter obserued followed and kept

by the said inhabitants their heires and assignes for ever set downe his honours pleasur concerning the establishinge of the same order in certaine articles as shall hereafter followe Whereunto for a confirmacion and declaracion of the same it hath pleased his lordship and others to subscribe firmelie enioynge and straitlie charginge and commandinge thereby all and euery the said inhabitants and parishioners aforesaid well and orderlie to fulfill and keep the same throughly even as they and everie of them will avoid his Lo: high displeasur and farther punishment in doinge the contrarie IMPRIMIS it is ordered and adjudged by the said right honourable Earle of Shrewsburie that the forme and order of the said former agreement made the daie and year abouesaid shalbe followed obserued and kept in all points by the said inhabitants and parishioners so far forth as the number of the oxganges of land named after the rate of the makinge of the said church wall doe extend which shalbe increased hereafter ITEM for the supplie and increasse of so manie oxganges as are supposed to be short and wantinge after the rate and makinge of the said church wall it is ordered and adjudged that euery of the said persons named in the said church wall shall hereafter pay and be contributory with the rest of their neighboures in all the aforesaid laies and assessments accordinge to so many moe oxgangs of land as shalbe in a particular bill of order for that purpose hereafter appointed and sett down vpon them and euery of them over and besides their former ratemate accordinge to the church wall as is aforesaid ITEM whereas also by the said former order there wear diuers persons which had lands within the said parish which wear and should haue bene freed and discharged from all laies assessments and payments bycause their oxganges and lands wear not mentioned in the said church wall neither did make or repair any part of the same wall Therefore it is hereby likewise ordered that from henceforth all and euery the owners and possessors or thei tenants and assignes of anie such lands beinge within the said parish shall paie and discharge all and euery such taxacions assessments and laies as they and euerie of them shalbe reasonably charged withall accordinge to the number of so many oxgangs of land in the said particular bill of their names and said oxgangs of land hereafter limited specified and declared ITEM Y^T IS ORDERED and commaunded by the said right honourable Earle that all and euery the said inhabitants and parishioners of Norton aforesaid and all constables and churchwardens which shall hereafter serue and bear office within the same parish shall orderlie obserue and keepe in the makinge of their billes of assessments and laies concerninge their said parish the true forme and order of their present bill hereafter followinge and to place everie mannes name in the said bill agreeable to his place and part in the said church wall whiche he is bound to make and repaire to the intent and purpose that the auncient usage and order for the makinge and vpholdinge of the said church wall maie be the better kept in memorie for a perpetuall readiness to all such persons as be bound to the same by longe custome ITEM THAT no

constable then churchwarden within the said parish of Norton shall hereafter yeeld vp or depart owt of his or their affaires before they and euerye of them haue made a iust reconyng and true accompte vnto the said parishioners openly in the church or before the most part of them of all suche receipts and summes of money as shalbe come to their handes duringe the time of their office and to make their said accompte accordingly once in the year at the least or offer if thear be cause whye and the money remeyning in their handes vpon the said accomptes well and truly to paie and deliuer vnto the said parishioners or whear they shall appoint it to be paid and the said officers likewise to receiue of the said parishioners without delay all suche money as they or anie of them shall lay forth of his owne money during the time of their said offices And if thear be any suche constable or churchwardens that be indebted to the said parish before this time or hereafter and being called to accompt for his receipt and will neither accompt then make payment of that which he doth owe and hath receiued of the said parishioners that then vpon complaint and true information giuen against the said partie by iiii^r. or vj honest men of the same parish before the said right honorable Earle the said obstinate person or persons shalbe enioyned by the said honorable Earle to discharge the same without any delay ITEM IT IS ORDERED that this present writing and order now by his good lordship set downe in paper shalbe faire written in parchment indented at the costs and charge of the whole parish aforesaid and then to be deliuered into the custodie of twoe gentlemen of the same parish for a memoriall of the same order to be continued without anie further alteracion hereafter And for the more readines to be seen and read at any time vnto the said parishioners vpon request let it be also for that purpose recorded and written in the Register booke of Norton aforesaid ITEM FOR EUERIE taxatyon lay or assessment that shall happen to be made for the levyng of anie summe of money as aforesaid thear shalbe twoe seuerall billes thereof made at the charge of the whole parish and the same to be indented whereof the one parte subscribed by the taxer or laiers to remaine with the constable or churchwarden for the time being and the other part to remaine in the Register coffer or chist for to call the said officers to accompt at the end of their severall yeares

NORTON IN COM. DERB. 1581.	}	The Forme and order of a president wherbie to make their Bills of all their oxganges of land and by the which all assessments and layes accordinge to this present order shalbe numbred rated laid and gathered hereafter by all Constables and churchwardens afforesaid sett downe by the order of the Earle of Shrewsbury and by his Lordshipp commanded to [be] kept and followed accordinglie for ever
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NOTE.—Instead of “half an oxgang” in the 2nd column we have put simply $\frac{1}{2}$, and instead of “ij and a half” we have put $2\frac{1}{2}$, and so on, to avoid trouble. The MS. has a mistake of half an oxgang in the casting up of the second column.

Freeholders and Tenants Contributors to all these Laies.	Oxganges of Land after the Measure of the Church Wall.	Oxganges Added and Increased by the Earl of Shrewsburie.	The Total Summe of all the said Oxganges.
THE MANNOR OF NORTON	0	6	6
John Parker of litton (<i>sic</i>) [little] Norton	2½	0	2½
James Bullock and Thomas Hoiland			
John Allen for Holmehurste	1	0	1
James Bullocke	1	0	1
Christopher Barten the elder	1	1½	2½
John Barten	2	0	2
Robert Bliithe	1	0	1
Francis Barker	0½	0	0½
Godfrey Foliambe gentleman	2½	2½	5
William Bliithe his mother	2	0	2
Philip Bate and John Wain- wright			
Henry Hill Roberte Tailer and Thomas Swifte	1	0	1
John Parker gentleman for his demeisnes and other landes	2	3	5
Richard Bore Thomas Tricket	2	0	2
Leonarde Norris and others			
Henry Vrton and Widowe Green	1	0	1
Robert Smalfeld for his half parte and portion of his farme being an oxgange and an half	0¾	0	0¾
Thomas Hudson	3	0	3
Hierom Rawlinson for the half of the farme called the Heardinges	1½	0	1½
John Parker and the executors of William Allen	1	0	1
John Vrton for his inheritance and landes purchased within the parish	5	0	5
John Gill for his inheritance and for other landes pur- chased within Norton parish	3	3	6
Mrs. Selioke for hasslebarrowe	2	1	3
John Parker of the Okes his mother and brother	2	1	3
Mrs. Selioke for Jurdenthorpe	1	0	1
John Holland and his mother	1	1	2

John Bate and his mother	1	1	2
Edward Malum and his daughter	$1\frac{1}{2}$	$\frac{1}{2}$	2
Hierom Blithe gentleman for his landes in Norton	2	0	2
William Mawer	2	$0\frac{1}{2}$	$2\frac{1}{2}$
William Rawlinson	1	$0\frac{1}{2}$	$1\frac{1}{2}$
John Parker of little Norton and his co-partners aforesaid	$1\frac{1}{2}$	0	$1\frac{1}{2}$
Philipp Bate	1	0	1
James Bullocke	1	0	1
Christopher Chapman Thomas Townend and others	2	0	2
Hierom Blithe gentlemanne for his land in Grenhill	2	0	2
John Barten and his mother	1	0	1
William Hobson	1	0	1
Thomas Bullocke	1	0	1
Thomas Camme	1	1	2
Thomas More and his mother	1	0	1
Thomas Hancocke	2	0	2
Thomas Owtrem	1	0	1
Thomas North and John North	$2\frac{1}{2}$	$0\frac{1}{2}$	3
Thomas Owtrem againe	$1\frac{1}{2}$	$0\frac{1}{2}$	2
John Poynton for his farme and half of the Walkmilne-banck	$1\frac{1}{2}$	$\frac{1}{2}$	2
John Bright for the other half of the Walkmilne banck	$0\frac{1}{2}$	0	$0\frac{1}{2}$
THESE PERSONS ARE WITHOUT THE COMPUS OF THE CHURCH WALL OF NORTON AFORESAID			
Henry Vrton for his own land	0	1	1
Henry Woodhouse and Richard Barker	0	1	1
Bower for Batemore	0	$0\frac{1}{2}$	$0\frac{1}{2}$
Henry Wigfall for the Hell-clough	0	$0\frac{1}{3}$	$0\frac{1}{3}$
The Morrrys Landes and the Bentes	0	1	1
The half of the Whisnawe Carre and Woodhowse	0	$0\frac{1}{4}$	$0\frac{1}{4}$
	68 oxganges and 3 partes	27 and a half one third part and quarter.	96 oxganges and one half and a third parte.

Summa of all the foresaid ox-
gangs 96 on half and j third
parte

(Signed)

George Shrewsbury
John Manners
Godfrey Foliambe
Francis Leeck
Francis Rodes

(In dorso)

Examined and found agreable with the originall by us Henrie
Tayler Philippe Gill Robart Holland Ed. Ward T. Hudson.¹

¹ These names are autographs. Henry Taylor, Vicar of Norton, was buried
in March, 1613.