

Researching Chancel Repair Liability on Tithe Apportionments and Maps

Every Tithe Map and Tithe Apportionment is unique and prepared in a particular style and each parish may consist of a number of townships each with their own Tithe map and Apportionment. There are, however, key issues to investigate when trying to identify Chancel Repair Liability (CRL).

Tithe Apportionment

1. Check to see who got the Rectory tithes (also known as the Greater or Impropiator tithes). If they were collected **only** by the incumbent at the time, i.e the Vicar, Rector or curate, then there will be no CRL for that tithe. If the tithes were collected by anyone else, such as the appropriator, a lay person or clergy person other than the incumbent, or a charity, CRL may continue to exist.
2. The introduction to Tithe Apportionments will note whether there has been a reduction in the titheable area as a result of an Enclosure Award made before the Tithe Apportionment. If this is the case, it is essential to read the relevant Enclosure Award.
3. A 'merger' of land and tithes is usually identified in the introduction to the Tithe Apportionment, and there may be a schedule of properties later in the Apportionment document. It is also possible that a merger will be noted only in the main body of the Apportionment.
 - a) If the Tithe Apportionment notes a merger, but there is no accompanying schedule of properties, you should try to obtain a copy from the National Archive (Tith 3 section).
 - b) If there is a merger of land and tithes, this land has non-apportioned liability.
 - c) It may be difficult to identify this merged land on the Tithe Maps. It is possible that there is a separate map created by the land owners to identify the 'merged' land, which might be stored in another archive. If it is not possible to identify the merged land on a Tithe Map, it would be virtually impossible to prove CRL.
4. The Record of Ascertainments shows the liability for each plot of land in 1936 based on the rent tithe charge. The rent charge for a field may differ between the Tithe Maps from the 1840s and the Record of Ascertainments in the 1940s, indicating that the proportion of CRL may have changed. You could research this further at the National Archives.
5. If there is a substantial difference between the Record of Ascertainments and the Tithe Apportionment the next stage is identify why. Some possible reasons are listed below:
 - a) There may well have been an Enclosure Award after the Tithe Map, in which case this will need to be obtained.
 - b) The tithe charge on the land could have been redeemed (between 1836 and 1936), suggesting that any CRL has been extinguished.
 - c) There has been a Special Apportionment (obtain a copy from the National Archives).
 - d) There may be something unusual for your parish and you may need to visit the National Archives after searching through their online records.

Known Parishes in Lichfield Diocese with unique Parliamentary events possibly affecting CRL

1. **Stoke** (The Stoke Rectory Act of 1827)
2. **Wolverhampton** (the Wolverhampton Church Act of about 1840)
3. **Market Drayton**

Rev Greg Yerbury (Team Rector of Penkridge)

Reading Enclosure Awards and Maps for Chancel Repair Liability

Enclosure Awards were intended to make better use of land considered to be waste or common land and, possibly, to end the collection of tithes. Land with common grazing rights was apportioned between local landowners and others using a variety of criteria. As a result of the Enclosure Awards, the wealthy, including the owner of the tithes, gained significantly at the expense of the poor.

Every Enclosure (Inclosure) Award and Map is a unique hand written document. It may be very long, requiring a lot of time to understand its implications. If the enclosure was authorised by a Parliamentary Enclosure Act, it would be useful to read the Parliamentary Enclosure Act also.

For research into chancel repair liability the first point is to work out how many parishes are involved in each Enclosure Award and to be aware that land may transfer parishes. It is generally the allotment post the Enclosure Award, which determines the CRL for a particular parish.

An example of the standard order of allotments in Enclosure Awards:

1. A preamble, which may refer to an allotment given in lieu of tithes or sometimes in lieu of tithes & manorial rights. It is this land which would carry the CRL and should be investigated.
2. Setting up, creating and closing roads and foot paths, and laying boundaries
3. An allotment for gravel for maintenance
4. Allotment(s) for manorial rights (may include tithes, and therefore CRL)
5. Allotment(s) for impropriate (greater) tithes carrying the CRL
6. Allotment for lesser tithes for the Vicar, curate or Rector (no liability)
7. Allotments to be sold for expenses
8. Allotment for cottage lands
9. Allotment for warren rights
10. Allotment for common rights
11. Allotments to local landowners who own nearby land
12. At the end there may well be some exchanges of land and if the land for tithes is exchanged it will be the new allotment that carries the liability

Having read the Enclosure Award,

- Determine the parish in which the land allotted for tithes is included at the time of the Enclosure Award.
- It will be necessary to check your church's files at the National Archives since sometimes corn rents were converted into tithe rent charges. If there are Corn Rents in lieu of tithes, which are still being collected, the CRL is held by those receiving the Corn Rents.
- If the allotments or Corn Rents were held by an Appropriator, contact the Church Commissioners since they may have a record of this land. An Appropriator is a church organisation or body (i.e. Bishop, Dean, Cathedral chapter, Prebend)

To prove liability you will need to get copies of all relevant documents. Staffordshire Archives allow you to use a camera for £6.50 a day, but you may wish to have the Archive staff copy any maps.