

The resistance to the payment of tithe provides one of the most colourful episodes in the history of our Long Furrow. In May 1933 an attempt was made to “levy distress”, on the goods and chattles of Mrs. Marjorie Gardiner at Delvyns Farm, Gestingthorpe.

As in previous “engagements”, the bailiffs and auctioneers were be-devilled by a mixture of genuine bitterness in combination with high spirited, resourceful and practical obstructionism.

The report of the “Gestingthorpe Tithe Case” which was heard in the High Court, is recorded in the *Halstead and Colne Valley Gazette* of July 28th, 1933, whilst the *Daily Mirror* carried the story on July 26th under the headline:

ANGRY SCENE AT WIDOWS FARM

Court Story of Barn Drama and throwing of eggs.

Rector loses his case.

It was explained by the *Mirror's* legal reporter that £48 (one year's tithe) was owed. “It was a time of depression and the tithe question” argued Counsel, “had become very acute. There were 1000 distress warrants in Suffolk and Essex. The levies of tithe, which had been stabilised in 1925 were quite impossible to pay: so far from it being one tenth, it is in some cases 70%” claimed Counsel.

The court heard that it was impossible to hold an auction to raise money for the tithe payment, as no farmers would bid—out of sympathy for the farmer—Mrs. Gardiner. Consequently, two tumbrels, two waggons, a reaper, two ladders, a shredder, a binder and two geldings were advertised by tender. Mr. L. J. James, a Swansea auctioneer, had placed a bid of £60 which was accepted.

On May 22nd, Mr. Rose (bailiff acting for the church), Mr. James and Mr. Gibson (his solicitor) visited Delvyns Farm to inspect the goods for which Mr. James had tendered.

What the Welsh auctioneer did not realise, was that the "seizure" was "technically incorrect" and as such illegal. Mrs. Gardiner had been advised of this by her solicitor, whose opinion was subsequently upheld by the High Court, as described in the *Daily Mirror*. As such her relatives and fellow farmers felt justified in resisting the movement of the "illegally distrained" equipment.

Consequently, when Mr. Rose (the bailiff), Mr. James and Mr. Gibson arrived at Delvyns Farm, things were not quite as they had expected to find them. The story is continued by farmer and steam enthusiast, Cyril Philp. At the High Court he was one of eight who had sworn affidavits read in support of Mrs. Gardiner. Later, he was amongst the 36 farmers who appeared at Hedingham and then Chelmsford Assize Court, charged with unlawful assembly. Describing the measures taken to prevent the removal of the "illegally seized" farm equipment, he explains:

"The bailiffs had put the waggons and tumbrels and a binder in the barn and locked the doors until they could be collected."

"But my brother, Charlie and Arthur Gardiner and one or two others, they took the wheels off the waggons and the carts—anything that had got wheels on, they took off, and took them all down to a little wood at the back of Delvyns."

"Then to complicated things a little more, they pulled Frank Marsh's baler right in front of the doors. He did all the threshing there, that time of day—and I believe he took the wheels home to Wickham on the excuse he was going to do something to them."

"So when the bailiffs came to collect these things, they could just get into the barn, but they couldn't get anything out, nor could they shunt the baler about very far without it having any wheels."

"What happened when the bailiffs arrived with the Welsh auctioneer who had purchased the goods?"

"Well, the bush telegraph soon notified the various people round-about. I should think there must have been 100-150 or more got there, all to enjoy the frolic. The news soon got about. Even if the bailiff had got something to shift these things, there was enough of us there to see that nothing would get stolen away. Well, then it got that we kept the bailiffs more or less prisoner in the barn—they would have been there now if the police hadn't come and rescued them. Of course, whilst they were

in there, we gave those Johnnies a few home truths. We told 'em, we didn't think it a 'much-er'—them coming such a distance to collect things which weren't theirs."

"There was no mutiny—nobody getting hurt or anything like that—but they were our prisoners and we were technically guilty of obstructing the forces of the law. Toward the end of the day, the police had to exert their power and release these men. Then they collared hold of those of us who were close to and eventually we had to appear at Hedingham Court and then Chelmsford Assizes accused of unlawful assembly."

The *Halstead and Colne Valley Gazette* devoted almost the entire back page to the proceedings of Hedingham Police Court held on August 3rd 1933.* The headline declared:

SEQUEL TO GESTINGTHORPE TITHE DISTRAINT
CHARGES OF "UNLAWFUL ASSEMBLY"
ALL DAY SITTING OF COURT

The article commences:

"Great interest was manifested over a wide area, in the proceedings which took place at Hedingham Police Court yesterday, when 36 farmers and others, were charged with "unlawful assembly", at the execution of a tithe distraint at Delvyns Farm, Gestingthorpe.

The scene in the Court Room was an unprecedented one. The large dock, with its door at the rear leading to the cells, was totally inadequate to accommodate the defendants, and arrangements had to be made to provide seating accommodation for them in part of the Court on the public side of the dock. This considerably limited the space available for the general public. The facilities in the Court for the Press were also severely taxed, as, in addition to the usual reporters, there were also present representatives from the Press Association, Central News and several of the big daily newspapers.

Before the proceedings commenced, the scene outside the Court was a very animated one, and the Press photographers, of which there were many, were very active, "snapping" the various personalities in the case as the opportunity offered."

The case opened and Mr. Melford Stevenson, acting for the farmers, pointed out that during harvest "absence from their farms was a matter of hardship".

The justices then refused his somewhat impractical suggestion for 36 separate trials, but agreed to adjourn until after harvest before the next sitting. Proceedings commenced and the bailiff who had attempted to

* Reported in the edition of August the fourth.

“seize” the implements gave his evidence but soon found himself in difficulty. He explained that he visited the farm on the 18th and 20th May.

Mr. Pollock: “Why did you go there?”

Witness: “I was trying to remember. I have my notes.”

Mr. Pollock: “Did you make the notes at the time?”

(Witness took typewritten notes from his pocket).

Mr. Melford Stevenson (sharply): “Did you have a typewriter with you?”

Witness: “No.”

Mr. Pollock: “Then you must not read them.”

The bailiff continued his verbal evidence and was followed by Mr. Gibson, the Braintree lawyer who was acting for the Swansea auctioneer. He described events at the barn and an amusing exchange on the subject of bad language followed. *The Gazette* continues:

“At that time there were probably 100 to 150 people outside the barn. The witness entered the barn at the request of the bailiff. Mr. James (the Swansea auctioneer) was with him and a crowd of 60 or 70 people ‘practically swept into the barn’. The attitude of the people in the barn was very hostile and very filthy language was used. One of the phrases was “dirty Welsh”. When asked for more of the language, the witness then asked to be allowed to write it down and handed it to the Bench.

Mr. Melford Stevenson: “One of the words is spelt wrong.”

Witness: “Evidently Mr. Stevenson is more familiar with them than I am.”

Witness added that the bad language was used by only a small section of the crowd. Some of the crowd said, “You dirty ‘.....’ to come here to take away a poor widow’s goods.”

Mr. Gibson then claimed that, “he received a rotten egg at the back of the neck and that he saw Mr. James receive another; more chaff was scattered on his head, (later a farmer explained that this had been done with great *thoughtfulness* to ‘prevent yolk running down his neck!’ Mr. Gibson then expounded the theory “that a hive of bees might be unloosed on them”. But Mr. Stevenson, for the farmers, quickly interjected:

“How were the bees to differentiate between you and the tithayers?”

Witness: “I understood they were threatening to lock us in the barn with the bees . . . but I may have been wrong.”

Throughout the case, an air of humour appears to have permeated the proceedings. The Chairman of the Magistrates confessed to being, “in the very unhappy position of having to consider cases against our friends and neighbours.” Within the structured society of pre-war England, he would

have schooled, shot and hunted together in more prosperous times, with many of those on trial. The Hedingham magistrate concluded by admitting the defendants to bail of £5 and committing them to trial at the next Assizes.

In the context of the somewhat jocular replies and comments at Hedingham Police Court and Chelmsford Assizes, it would be easy to forget that the farmers in question were witnessing a catastrophic depression in cereal agriculture. We must remember that it *was* 1933; grain prices had halved; land was being abandoned. The seizure was “illegal”. Mrs. Gardiner *was* a widow and if her farming career had been terminated, Delvyns Farm may well have lain derelict and its farm staff become unemployed until the Second World War.

The Assizes Court at Chelmsford was held in early November and received full coverage from the *Halstead and Colne Valley Gazette* in the editions of November 3rd and 10th. The defendants who were able to quote the ruling of the High Court, that the seizure had been technically illegal, now attempted to demonstrate that they had not constituted an “unlawful assembly”. But why then, it had to be established, were the individual farmers in the barn with Mr. James, Mr. Rose and Mr. Gibson?

The farmers individually provided their explanations:

CHARLIE GARDINER declared with the flamboyant cheerfulness for which he will always be remembered: “Being her brother and an *Englishman*, I went to watch over her interests.”

But other defendants were more evasive producing what can only be described as a series of amusing schoolboy-headmaster replies.

SAMUEL LAWRENCE said he went to the farm because he heard there was going to be something going on. He went to do nothing and did nothing.

Prosecution: “How far had you come to do nothing?”

Witness: “I do not know; I hadn’t been there to do nothing before.”

ALFRED HALLS stated he was offered a ride and accepted, but did not know where he was going.

ARTHUR DREW explained, that “he took Mr. Buck’s motor car out for the purpose of making a trial run, after repairing it, and requiring “ballast” they had picked up Halls.”

THOMAS AMBROSE deposed that “he had instructions to send a binder from the farm that he managed if Mrs. Gardiner’s was seized.”

DAVID PARTRIDGE was cycling past.

GEOFFREY RUFFEL claimed he went to Gestingthorpe to see his blacksmith.

CYRIL PHILP said he went to Delvyns Farm to inspect some pigs.

BASIL PAYNE replied that having heard rumours that Welsh miners were coming, he went to the farm. He entered the barn when the luncheon was on. He was playing cards in the barn.”

By now the Prosecution was becoming intrigued by the beer and sandwiches which farmers had found in the barn. Surely, it was implied, the availability of lunch confirmed the contrivance of the assembly. The exchanges with SIDNEY RUFFEL were particularly humorous:

“He had gone to Delvyns Farm to look for his brother Frank Ruffle. He went into the barn to get some bread and cheese. Whilst he was there, an egg was thrown and the crowd sang “Taffy was a Welshman”.

Prosecution: “Why should you be supplied with a free lunch?”

Ruffel: “I don’t know. It was there and I was hungry and glad to take it.”

Prosecution: “Was it a surprise?”

Ruffel: “A pleasant surprise.”

Prosecution: “Who supplied it?”

Ruffel: “I don’t know.”

Prosecution: “Have you ever been supplied with a *free* lunch in that barn on any previous occasion?”

Ruffel: “No.”

Prosecution: “Does it occur to you that someone wanted you to stay there?”

Ruffel: “No.”

Two farmers subsequently came forward and explained that they were responsible for the beer and sandwiches. With this, the prosecution changed tactics and attempted to discern who was responsible for wiring up the barn door and keeping it shut. But attempts at examination proved so inconclusive that Mr. John Flowers, K.C., acting for the plaintiffs expostulated in frustration:

“Everyone in the barn seems to have had his back to the door or else was playing cards and witnessed nothing!”

Finally, after the defendants had been questioned, 29 were acquitted and Mr. Gilbert Beyfus, K.C.,* summed up in defence of the remaining seven:

“If the persons concerned honestly believed that an illegal distraint was to be made upon implements of husbandry, which might lead to the farm becoming derelict, they would be justified in passive resistance and what they did was no danger to the public peace. Indeed, the bedrock of the issue, was the question of the illegal distraint.”

The jury, with the case for the prosecution and defence completed and the judge’s remarks concluded, were asked for their decision. The sat for 59 minutes and a verdict of “guilty of unlawful assembly” was passed on the

* Not a typing error! K.C. is, of course, King’s Counsel.

remaining seven defendants, who were bound over to keep the peace for two years.*

Half a century after the “illegal seizure” by the Church Commissioners of the Delvyns Farm implements, Cyril Philp is still able to conjure up the atmosphere of the Assize Court proceedings, with a few warm-hearted remarks. He concludes, with a farmer’s natural indifference for his advocate’s eloquence and verbosity:

“We had a lot of moral support . . . the blooming place was right full of people . . .”

“Mr. Justice Horridge was the judge—our legal representative Mr. Steed, got some K.C. or one of his old mates to speak for us. I don’t think he charged very much, it was a nice little exercise for him to defend us at the Assize Court and all the rest of it. Of course, he pitched a right good old tale—he’d have talked there for an hour or more about nothing! Any rate, come to the finish, Justice Horridge was very serious and all the rest of it, and said he couldn’t overlook our disregard of the law.”

The acrimony which many farmers, (and some farmworkers who also saw their livelihoods at risk), felt towards the Church Commissioners during intensely depressed circumstances, succeeded through the Tithe Payer’s Association to initiate a reform of the whole vexatious and contentious question.

Tithe was given a fixed duration. It was due to expire in 1996. Upon the sale of a farm, a purchaser could redeem it in a single payment. When Goldingham Hall, Bulmer, was advertised for sale in 1972, the 394 acres carried the not insignificant redeemable liability of £508.† The annual tithe paid on the 460 acres of Cyril Philp’s Kirby Hall was £145. At Hill Farm, Gestingthorpe, the 220 acres were assessed at £84.24 a year. But tithe was not only assessed on the large landowners and farmers. Horseman Bert Surridge paid one shilling and fivepence on the half acre of his garden next to the Gestingthorpe *Pheasant* and when he “redeemed it” during the Second World War, it cost him £3—or the equivalent of two weeks wages.

But the story of tithe will not linger on until 1996. In the early seventies it was found to be costing more to collect than the revenue repaid.

* One interesting aspect of the Tithe War, was the presence in many troubled villages of small groups of Oswald Moseley’s “blackshirts”. One independent Gestingthorpe observer comments: “They seemed to turn up, wherever there was the chance to be involved in a bit of tension from which they could get some publicity. I don’t think that the half dozen or so who camped at Delvyns had been invited by the farmers or the Tithe Payers Association, but there was a general feeling that the farmers were wrong for not sending them packing—straight off back to London again.”

† Enough then to buy a small car.

On an evening in the frustratingly wet autumn of 1976, unable to be drilling or lifting sugar beet, as the torrents of rain streamed down the drain pipes and flooded off the gutters, I sat down to some office work and on Lloyds Bank cheque number 478012 signed our last £82.24 payment of tithe. It was seven years since man had landed on the moon; Concorde was airborne and flying. For just a few seconds I thought back to the stories I had heard of the incorrigible Marjorie Gardiner and of her defiant stand at Delvyns Farm.

After a thousand years of tithe paying, the last vestige of a feudal custom had finally ended. Appropriately, in the same year, another aspect of the same, lingering, medieval influence, which had stretched into the twentieth century of the British farmworker was also abolished. It was the tied cottage. And if not completely abolished, at least modified to a level that Victorian landlords would have found difficult to recognise.

Before we take our leave of the Gestingthorpe "Tithe War" however, let us pay a visit to Stanley Surrige (born 1909) who was a horseman at Delvyns during the seizure and who latterly became farm foreman. The relationship between the farmers and the local rector is of particular interest and Stanley (who overheard the date of the intended seizure and warned Mrs. Gardiner) emphasises:

"I must stress," he says, "that there was no personal animosity between the majority of the farmers and the rector. In fact," he continues, "I'd go as far as saying that Reverend Greening was one of the best clergymen we've ever had in this parish; he was particularly popular with the working people."

"In this village the agitation was against the payment of tithes, not against the individual clergyman. I can clearly remember, when the hearing was over, that Reverend Greening walked across and shook hands with the farmers. He was respected for that, and they called him a good loser."

Throughout the story of our Long Furrow, we have witnessed periodic outbursts of civilian tension in our villages—the peasants revolt, the outbreaks of disorder in Halstead, the era of rickburning and machinery smashing, the farmworkers' strike at Belchamp Walter and the "tithe war" in Gestingthorpe. Each in isolation tells an interesting story, but taken together, they weave a richer colour into the tapestry of British history.