

**SOME NOTES ON MANORS
& MANORIAL HISTORY**

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The popular idea of a manor assumes that it is a fixed geographical area with definite boundaries, which belongs to a lord with certain rights over his tenants. In common usage, we speak of this or that lordship, almost in the same way in which we refer to a parish. It is very difficult, however, to give the word an exclusively geographical meaning. If we examine one of those documents which are known as Inquisitions *post mortem*, for example, we shall find that, at the death of a tenant who holds his property directly from the Crown, the king's escheator will make an extent, that is, a detailed valuation, of his manors. This will consist for the most part of a list of a number of holdings with names of the tenants, specifying the rent or other services due to the lord from each. These holdings will, it is true, be generally gathered together in one or more vills or townships, of which the manor may roughly be said to consist. But it will often be found that there are outlying holdings in other vills which owe service to a manor, the nucleus of which is at some distance. Thus the members of the manor of Rothley lay scattered at various distances from their centre, divided from it and from each other by other lordships. Further, within a single township the rights of different lords may cross and recross each other in a most perplexing way. The tenements which constituted the village of Flore in Northamptonshire owed service to several different lords; and thus, while it may be said by one person that there was a principal manor in Flore and portions of about seven others with their centres elsewhere, another person may say with equal truth that in Flore there were seven or eight manors.

It is clear, therefore, that, while the vill is a geographical area, the word manor implies properly the jurisdiction exercised by the lord over the inhabitants of the vill. On the other hand this jurisdiction originally takes its name from the geographical centre from which it is exercised. *Manerium* pri-

marily means nothing more than a dwelling-house, from the Latin verb *manere*, to remain, to dwell : it is equivalent to *mansum*, the modern manse. Just as in Scotland the word manse has become the common name for the dwelling of the parish minister and has acquired an ecclesiastical significance, so manor was applied especially from an early date to the dwelling-place of the lord to whom service is due. It was the house where taxes were paid, where the lord's courts were held. To-day the chief house in a village, especially in the southern counties, is still called the manor, and in France *manoir* is constantly used in this sense. It is by an easy transference that the rights and profits of jurisdiction belonging to the owner of such a house are known collectively as the manor. When we say that a manor descends from father to son, we mean that the son inherits a jurisdiction which is a source of revenue.

The systematic use of the term is one of the results of the Norman conquest. It is a foreign term, imported into England. The marginal letter M, which occurs constantly against entries in Domesday Book, denotes the application of foreign ideas to a system of land tenure which stood in need of proper organisation. During the Anglo-Saxon period, what we know as the manorial system had come into being as an economic fact. The estate held by a lord was the economic unit of property. In the vill which was the centre of that estate there was the lord's house, and, side by side with it, the church which he had built for the use of his tenants and of which he was the patron or advocate. Round these two buildings were clustered the houses of the tenants, freemen who paid the lord a yearly rent in money or kind, and serfs who were bound to his service and worked upon his demesne lands. More and more, as time went on, the free tenants had decreased in number : everywhere, during the pressure of the Danish invasions, freemen had surrendered their liberty to a lord for the sake of the bare necessities of life. The servile class formed the larger proportion of the inhabitants of the township : they were the *villani*, villeins, the people of the vill. Outside the cluster of houses were the open fields of the town, its arable territory, arranged in strips with grass banks or balks between them, and crossed by the paths leading to the neighbouring settlements. The strips were allotted to the inhabitants of the town-

ship, at first by periodical distribution. Later, as a rule, they became individual and hereditary holdings. Generally speaking, each holding consisted, not of a complete block, but of a series of strips scattered up and down among the fields. The lord's demesne, like the other holdings, was composed in the first instance of such detached strips, cultivated by his serfs, who were bound to do a certain number of days' work in each week upon them. But each serf, in return for his services, had his own holdings of strips in the common fields, which he worked himself. Deprived of freedom as he was, unable to change his habitation without the consent of his lord, bound with his family and posterity to the soil (*adscriptus glebae*) as his lord's *nativus* born in serfdom, he yet possessed his own plot of land, which was handed on by the lord's court to his tenant, the tenant by copy of court-roll.

The common fields were arranged in three large blocks, which were worked in rotation. In primitive communities there were usually two fields, the wheat field of one year becoming the barley and oat field of the next, and so on. But this wasteful system was generally superseded by the triple field, one part of which was always left fallow for a year. Thus, while the wheat field of one year was sown with barley and oats for the next, the barley field was left fallow for a year, and the fallow field of the year before became the wheat field of the next, each field getting a rest every two years. Beyond the arable fields lay the meadow of the community, and upon the outskirts of the settlement was the belt of waste and woodland which divided it from its neighbours.

As has been said, this arrangement had come into existence before the Norman conquest. Up to that time, however, it was a purely economic arrangement. Estates had come into being by the gift of some superior lord, who had made over lands by charter to a new owner as a reward or by purchase, and such grants involved the transfer of certain public responsibilities to the individual. But these lay much at his discretion. The tie that bound the recipient of such a gift to the giver was mainly one of gratitude. The king might reward a nobleman for his political or military usefulness by large gifts of land: the ordinary freeman might be rewarded with an estate which gave him the right of taking rank among thegns. Doubtless he recognised that in consequence he owed some service to his benefactor, but

of such service there was no definite assessment. Service, in fact, depended upon the individual.

What happened after the Conquest was that the idea of service was transferred from the individual to the land which he owned. He was placed in possession of land and tenements which were assessed at a definite rate of service due to a superior lord. There is no need to enter in this place into the origin of the feudal system, the political organisation which rested upon this basis of land tenure. It had obtained footing in the dominions of the Carolingian empire during the decay of the great central power which Charlemagne had perfected, and nowhere had it been so thoroughly systematised as in the Norman duchy. The Norman marauders of one age became the chief political organisers of the next. Further, the rule of the Conqueror in Normandy, assailed by more than one revolt of his feudal tenants, had for the time being placed the turbulent elements of feudalism under his control. In England, although those elements, long after his day, continued to threaten the power of the Crown, he nevertheless laid the sure foundation of a permanent authority which, standing at the head of the whole system, checked its restlessness and gave it constitutional form.

Although Domesday Book, in point of detail, raises more problems than it solves, it is the key to the political system introduced at the Conquest. The arrangement of its parts under the heading of the various shires is familiar to all students of historical documents. First in order the record deals with the boroughs of the county, then with the king's land, the ancient demesne, as it became known, of the Crown, and then with the land of the tenants in chief. The survey of which it is the summary was made for purposes of taxation. The land is therefore arranged in a series of manors, some of them compact jurisdictional areas, others with detached jurisdictions in various places answerable to the head of the manor localised in a single township. I take a single instance which I often find useful. Before the Conquest the vill of Leeds, a fairly large community, was held by seven separate land-owners. "Seven thegns held it for seven manors," they had jurisdictions each of which the Domesday commissioners for Yorkshire regarded as equivalent to a single manor. But, by 1086, the whole vill had passed into the hands of Ilbert de Lacy,

the lord of Pontefract, and the seven jurisdictions were treated as one manor. Leeds constituted only one of a large number of manors which Ilbert held as a tenant in chief of the Crown; and these, taken collectively, made up his "honour"—that honour of Pontefract which, more than two centuries later, passed by marriage into the ownership of the Lancastrian lords of Leicester. For the time being, the manor of Leeds was administered directly from Pontefract by Ilbert's officers. In process of time he or his heirs granted it to a sub-tenant who held it of them as his superior lords; and one of these tenants, early in the thirteenth century, took advantage of his position to grant a charter by which the manor became, at any rate for a time, a borough, and its villeins, though still subject to the justice of the manorial court, became free burgesses. But, at a later date, more than one manor begins to appear in Leeds. That is to say, the manorial rights have become subdivided among various tenants, holding either directly of the lords of Pontefract or of some sub-tenant who has parted with a portion of his jurisdiction. Such manors may expand or contract: their existence is by no means permanent. An estate broken up by one tenant may become reunited under another. But, as long as the process of sub-infeudation is recognised as a right belonging to the actual tenant, the creation of new manors can be continued to an indefinite extent.

The principle of the feudal system is that every manor is held of or from a superior lord by certain services. Of these by far the most important is military service. Ilbert de Lacy holds his great estate of the king by undertaking to supply him with a number of horsemen when he goes to war. That number is assessed upon the total capacity of his holding. That is to say, the lands comprised in the honour of Pontefract owe the king a certain number of knights; and thus the unit of property responsible for a single knight is known as a knight's fee, fee (*feodum*, *feudum*) being the term for a holding granted upon conditions of service. The knight's fee must not be confounded with the manor: it is a political unit as distinguished from the unit of local jurisdiction. In his relation to the state, the lord is the holder of a number of fees: his position as the lord of so many manors is founded upon a purely economic basis, and, for political purposes, the enumeration of his manors is important only so far as

each manor contributes its quota to the fee. It is, of course, quite possible that the service due from a single manor may be equivalent to a knight's fee (*feodum unius militis*); but it may be more, and in most instances it will be less, often amounting to a minute fraction, which will be described, for example, as a sixteenth of a knight. Thus, when we add up the fractions contributed by each manor to make up a knight's fee, we are thinking in terms of political service, not of local government. When all the service due from the lands of an individual lord is added up, there will often be a fraction over: it may amount, say, to seven and a quarter knights. It is easy to see how, within the century after the Conquest, the tenant by knight service began to compound for such demands by a money payment, and scutage, assessed at a fixed rate per fee, took the place of the direct supply of armed men.

The term fee, however, is not in itself a military word, and there were types of feudal service which were not military. I need not enumerate these in detail, but some prominent examples may be taken. There were officers of the royal household, such as the king's hereditary butler or chamberlain, who held property to which the services belonging to those offices were attached; and such lands were said to be held in grand serjeanty, that is, their proprietors were the serjeants or serving-men (*servientes*) of the king. In addition to these, there were less important modes of service which were grouped under the head of petty serjeanties. These might include all sorts of casual duties. The case is often quoted of the serjeant whose privilege it was to hold the king's head during the discomforts of a channel passage. The lords of a manor upon the borders of Dorset and Somerset paid their service by the serjeanty of tending the king's sick hounds when he came to hunt in the vale of Blackmore. But one of the most familiar forms of feudal service was paid by lands held in frankalmoin or free alms (*libera elemosina*). This was the ordinary method of tenure by which religious houses held their property. It is true that great ecclesiastics, as well as other tenants in chief, discharged military service. Such men as the archbishop of York or the abbot of Peterborough held a large number of knights' fees. The *raison d'être*, however, of a religious house was its duty of continual prayer and intercession for the

well-being of its benefactors while alive and for their souls after death. Ordinarily, when such a benefactor endowed a monastery or corporation of clergy with land, it was on the understanding that the only rent or service attached to it was discharged in the form of prayer. Land granted upon this tenure was freed from the casual charges or incidents which brought profit to a superior lord on the death of a tenant or on the forfeiture of his estates: it ceased to be a source of revenue to him, and was therefore said to be granted in mortmain (*in manum mortuam*), because the gift was of no more temporal advantage to the giver than if it had been made to a dead man who was incapable of doing service.

I have already mentioned the case of a manor in which the process known as sub-infeudation has taken place. All land is held primarily of the king, who distributes that which he does not reserve for himself among his tenants in chief. The tenant in chief will similarly parcel out his land among a number of tenants from whom he demands certain services. Land for which the tenant in chief does military service may thus be held of him by a sub-tenant on other conditions, often for a mere annual rent. The sub-tenant in turn may divide his holding, on what terms he pleases, among a group of people, each of whom will owe him service; and this process will be repeated again and again, until the actual tenant of a piece of land will be the lowest member of a chain which begins with the tenant in chief, and each link in which has its claim upon the property. Land which, to begin with, has been held as a single manor, may thus be sub-divided at each remove into more than one new manor. If a sub-tenant wishes to part with a fraction of his holding, his manorial jurisdiction, so far as that fraction is concerned, passes to a new lord, and so we may say that a new manor is created. Similarly, each time that this is done, a new form of tenure may come into being; and in each case the service, in whatever terms it may be expressed, is due to the immediate superior and to nobody else. What service that lord owes to *his* immediate superior he must make up as best he can. It is obvious that, on these terms, the process of sub-infeudation will loosen the hold of the chief lord A, upon property which he has alienated to B, B has alienated to C, C to D, and so on. With each step that removes such property further from the chief lord, the less likelihood will there be that

it will yield him the quota that he needs for his own service. It will deprive him of the casual profits to which I have referred, the wardship of a sub-tenant during his minority, the right of giving such a ward in marriage, the relief or fine which a sub-tenant pays upon his succession. In the end, the damage will be most severely felt by the king, the chief lord of all.

The weakness of the feudal system was the ease with which new feudal ties were created between sub-tenants without reference to the rights of the superior lords. Take the case of a small manor in any Leicestershire village. The land and tenements which constitute the jurisdiction are held of some other lord, say, the lord of Quorn. They may be held in free socage: the proprietor will owe from them a yearly rent to that lord, with homage and fealty. But the holding in which he has been enfeoffed may be held by the lord of Quorn from the prior of Ulverscroft on similar terms. When we come to examine the rights of the prior in it, we shall probably find that he and his convent obtained the property in question in frankalmoin from some local magnate, who in turn may hold it in serjeanty from the earl of Leicester, the tenant in chief who owes military service from it to the king. There are, in fact, without counting the king, five lords who have an interest in this single piece of property, and the actual tenant is probably quite ready to enfeoff a sixth, who will owe service to him and to no-one else. How, with this gradation of proprietary rights, can the tenant in chief get the full value out of the holding which will enable him to do the service which it primarily owes to the Crown?

In England, this complication of interests was less perplexing perhaps than in countries where feudalism remained unchecked. It was once thought that the famous oath of Salisbury, exacted by the Conqueror, placed the Crown in a direct relation to all feudal tenants, irrespective of the rights of intermediate lords. The general profession of fealty which that oath demanded was doubtless designed to give loyal partisans of the king, in the event of a revolt of feudal magnates, an excuse for standing on his side against the lords to whom they actually owed homage, and whom, according to the feudal theory, they were normally bound to follow. Revolt after revolt, however, in the twelfth and thirteenth centuries, showed how easily the relations between the king

and his vassals could be disturbed. It was not until the reign of Edward I that effective measures were taken to meet the great problem of unchecked feudalism, and to establish proper control over the alienation of landed property. In 1279 the huge leakage in profits caused by the unrestricted alienation of property in frankalmoin was checked by the statute of Mortmain: thenceforward the grant of lands and rents to religious corporations was fenced in by regulations which required, not only a licence to make such grants by royal letters patent under the Great Seal, but licences from every one of the intermediate lords who might stand between the king and the grantor. Eleven years later, in 1290, the statute *Quia emptores*, while conceding to every freeholder the right to sell his property to whomsoever he would, forbade the creation of new tenures as the consequence of the transaction. The services and customs with which the property was charged were reserved to the chief lord of the fee, and a special clause to this effect became an invariable part of the charters by which the bargain and sale were effected. In this way the multiplication of manors by sub-infeudation came to an end, and the damage incurred by the superior lords was remedied.

We need not pursue here the later history of feudalism and the manorial system. What I have attempted to do is to indicate what is meant by a manor, how the manor was organised for economic purposes, the nature of the political system under which manorial jurisdictions grew and multiplied, and how that system was checked by legislation which limited its encroachments upon the power of the Crown. But a few words may be said in conclusion about the actual exercise of jurisdiction by the lord of the manor through his courts and officers. That jurisdiction, so far as free tenants are concerned, was largely superseded, from the reign of Henry II, by the development of the royal courts of justice, to which every freeman had access. Further, as time went on, the liberties and franchises claimed and exercised by local lords were greatly restrained. The Quo Warranto inquisitions instituted by Edward I revealed private jurisdictions for which no royal grant could be pleaded, and which therefore were entirely unconnected with the source of justice. Thus, with the growth of the royal power, the authority of the manorial lord over the lives and limbs of his tenants became a thing of the past.

On the other side of the scale, that authority was weakened by the decay of villeinage. By the commutation of personal service for rent, the tie which bound the serf to his lord was gradually dissolved. It is true that the disappearance of villeinage was slow: even after social changes which were at work all through the fourteenth century had made this inevitable, it still lingered on. Long after the villein had ceased to be his lord's chattel, when his freedom of movement was entirely unrestricted, the memory of the old distinction between the free man and the villein was kept alive in the survival of that copyhold tenure which only the most recent legislation has rendered obsolete.

The private jurisdiction of the lord was exercised in the manorial court held by his steward at stated intervals. That jurisdiction was described as "sake and soke", a phrase of Anglo-Saxon origin. Between sake and soke there was probably no definite distinction of meaning: the phrase was a *cliché* which, like other phrases of a similar kind, easily committed itself to memory. It has been held, however, that, while sake implied the right of holding a court to which all tenants owed suit, soke implied the power of amercement, that is, of levying fines, by judgment of the court. Suit (*secta*) is the obligation of the tenant to put in his appearance at its sessions. He follows his lord's court (*curiam sequitur*), and from this phrase the word suit is derived. In that court he is the homager: his presence is indicative of the homage which he owes to his lord. But he also takes his part in its judgments: it is the homagers who collectively present transgressions against the customs of the manor, and so form the jury of presentment, an institution whose origin has been traced to these local tribunals. The persons who thus owe suit of court are within its soke, which is its power of jurisdiction. From the soke of the court is derived the term socage, implying a form of tenure: the freeholder who pays rent to the lord is said to hold his tenement in free socage (*liberum socagium*). Just as the manor becomes in proper usage a synonym for the area subject to manorial rights, so the soke of the manor acquires a certain geographical meaning. In Domesday Book outlying portions of large manors are grouped together as their sokes: such manors as Newark in Nottinghamshire and Falsgrave in Yorkshire have sokes attached to them, formed out of tenements

which owe service in many scattered vills. To-day the soke of Peterborough, the jurisdiction of the abbot over a large group of neighbouring vills, is an area administered by its own county council. But, although this geographical sense has somewhat obscured the real meaning of the word, soke is in the beginning nothing more than the jurisdiction of the manorial court in its active exercise.

The Hundred Rolls and Quo Warranto inquisitions exhibit constant instances of the exercise of view of frankpledge (*visus franciplegii*). Frankpledge is the mutual obligation of the inhabitants of a community to keep the peace: for this purpose they are arranged in groups of ten or tithings. View of frankpledge is therefore the jurisdiction of the court over offences against the peace. But it was regarded as belonging primarily to the Crown. The person normally responsible for seeing that frankpledge was in order was the sheriff of the county, and the maintenance of frankpledge, as the judicial system developed, was a main object of the periodical court known as the sheriff's tourn (*turnus vicecomitis*). Where view of frankpledge had got into the hands of a private lord, it was presumably the result of a royal grant; and its usurpation formed a frequent topic of the Quo Warranto inquisitions already referred to. The jurisdiction of manorial courts over misdemeanours was thus limited by the growth of royal justice.

Ultimately the manorial court took three distinct forms, viz., the Court Baron or *libera curia*, at which the suitors were the free tenants, the Court Customary, attended by the villeins, and the Court Leet, at which misdemeanours were presented. The first two courts were held for the settlement of disputes between tenants, in which the two separate classes of tenants involved were subject to the judgment of their peers (*judicium parium*), a phrase whose employment in Magna Carta has made it famous. At these new tenants were admitted: the villein tenant who succeeded to a holding did homage for it, and was provided with a copy of the entry upon the court roll as his certificate of tenancy, from which the title copyholder, as distinct from freeholder, originates. The Court Leet was a court of record, that is, its judgments, as recorded on the rolls, became precedents.

The court rolls which are the records of the proceedings of

manorial courts survive in great numbers, though probably a very much larger number have been lost or destroyed, or have succumbed to the ravages of time and decay. They are not exciting documents. Village life even now has few distractions, and in earlier centuries it was excessively monotonous. The offences for which people were presented and fined in one place were very like those for which they were presented and fined in another. The details of manorial history, in fact, illustrate most strikingly the subjugation of medieval life to common form, which is seen in more or less degree in all its activities. But there is manor after manor of which, but for the surviving court rolls, we should know nothing but the name; and thus this class of document becomes a valuable source of local history, while it also contributes a great weight of evidence to the social and economic history of the country in general.

But, useful as court rolls are, wherever they may be found, the real framework of local history is supplied by other sources of a less particular kind. The volumes of the Victoria History of the Counties of England, following in the steps of the older county histories, show that the essential starting-point of the history of every village is the endeavour to trace the descent of the manor and the advowson of the church from one owner to another. This Society has recently done well-deserved honour to Mr. George Farnham for the zeal which has brought together a collection of records of manorial descent such as hardly any other English county can show. There is a famous remark attributed to an early Greek philosopher, to the effect that all things were in a state of chaos until *Nous*, the creative Mind, came and set them in proper order. Before Mr. Farnham, our local *Nous*, came, the manorial history of Leicestershire was in a sad state of confusion. We had Nichols, the most voluminous and expensive, but the least critical, of the old county historians. His well known History of Leicestershire was the work of a compiler and skilled indexer, who brought together the material supplied him by his correspondents without regard to its proportionate importance or to the connexion between its component parts. His work is a chaos, through which the only glimpses which we can gain of the manorial history of the county are dim and momentary. And the classes of document which give us most information with

regard to the descent of a manor from one proprietor to another—the classes which Mr. Farnham has examined with minute care—were almost entirely neglected by Nichols and his collaborators.

This was not altogether their own fault, and Mr. Farnham would be the first to admit that these sources are much more accessible and can be used much more profitably to-day than in Nichols' time. The Public Records, well arranged and indexed, are open to every student. At the same time, if I may add a word of caution, it is not every student, however intelligent and zealous he may be, who can make proper use of them. To understand the purport of any class of historical document, the true nature and the limitations of the evidence which it contains, requires training and experience. Its terms may well bewilder us, unless we come with some previous equipment. Further, unfamiliarity with a special form of document may lead us into error and fruitless research. I remember within my own experience how, a few years ago, a young and enthusiastic student, bent upon writing the history of his parish, came across one of those imposing documents which are records of the process known as a Common Recovery. Of all the ingenious fictions invented by lawyers for the relief of their clients and the defeat of statute law, the Common Recovery, now defunct, is one of the most diverting. In that process, from one generation to another, an imaginary personage, frequently called Ralph Hunt, was introduced into the terms of the writ *ingressu super disseisinam in le post* as having disseised a plaintiff, also brought into the suit for the sake of convenience, of property of which the said plaintiff never had actual possession. Centuries pass, and, as each plea for recovery is brought, Ralph Hunt, apparently immortal, pursues his ceaseless task. In anyone unacquainted with the facts of the case, his nefarious activity, illustrated by a single document, may well excite interest. The student of whom I speak was naturally interested by the tale which he found, though somewhat mystified by the numerous etceteras with which the conclusion of its imperfect sentences was left to the imagination. In search of the family and antecedents of Ralph Hunt the disseisor, he embarked upon a course of research in the parish registers of his neighbourhood. The name did not happen to be common in the locality, and he was preparing to write one of those footnotes which dis-

play laudable caution but which perhaps it is better to leave unwritten, when he found out that the Hunts were common to all parts of England for some centuries until they died, with the whole process of Common Recovery, in the reign of William IV. This illustrates the dangers which lie in the path of the untrained student, especially in a country which, rich above all others in original sources of history, has hitherto done little to give systematic training in their use to those who are ready and eager to employ them. Some attempt is being made now to remedy such slackness in the past; but still the would-be worker at records is very largely obliged to train himself. It is for his guidance that for some years past accounts of the manorial history of certain places in the county have appeared with some regularity in the Transactions of this Society. These have given a continuous narrative form to the evidence produced by original documents. The actual contents of those documents may be studied in detail in Mr. Farnham's collection of the material which he has gleaned during years of diligent work in the Public Record Office; and by pondering on these sources and paying due attention to their meaning, the student of Leicestershire history will find that a sure foundation has been laid for his labours.