

English Land Tenure

Class given at Pennsic 37 by Dani of the Seven Wells (dani@pobox.com)

In 1086, the crown held close to 20% of the land, the church held about 25%, Norman tenants held about 50%, and English tenants held about 5%. About 200 tenants in chief held land of the King, most of which was subinfeudated. At every level of infeudation, the land (with certain franchises – e.g., justice) was theoretically a temporary grant in exchange for homage, service and aids. By 1300, the crown held about 2%, the church held about 33%. The pattern of obligations between the gentry and their lords had become complex.

Table 1: A very flat social pyramid¹

Stratum	Example Ranks – Lay	Example Ranks – Clerical	Number of [Lay] Families (Approx)	Typical Incomes (£/yr)
Crown	King		1	30,000
Nobility				
	Earls	Bishops	10	1000s
	Barons	Abbots	150	100s
Gentry				
	Knights	Rectors	1000	50
	‘Lesser Gentry’	Vicars	15,000	10
Rustics			1,000,000	1

“A typical example is the estate of William, son of Gregory, a juror from the hundred of Toseland in Huntingdonshire. In Beachampstead he holds a windmill, and for the *situs molendini* he pays 4d. to Geoffrey Beaufuy and 4d. to William Aungevin. In the same place he holds 2 acres from John Engayne for 1 lb. of cumin; two pieces of meadow (3½ and 1¾ acres) he holds from Thomas de Beachampstead for ½d. In Southoe he holds 40 acres of arable in *una cultura* by joint tenure with four other individuals for a rent of 20s. and the scutage due from one-fiftieth of a knight’s fee. In Great Staughton he has one-sixth of a knight’s fee, which he holds from Adam Creting for homage and scutage. In this property he has 20 acres of demesne and small free holdings. In the same vill he has half a virgate and a messuage held from the prior of Huntingdon for 6s., a quarter of a virgate held from William Schohisfot for ½d., one virgate held from Adam Creting for homage and scutage, 2 acres held from the same man for 4d., 3½ acres of arable, ½ an acre of woodland and ½ an acre of meadow and pasture held from Thomas de Beachampstead for 1d., and ½ a virgate held from the Prior of Bushmead for 1d.”²

“We find an even more complicated case in Harleston (Cambs.), where Robert Tybetot holds 176 acres of arable, 20 acres of meadow and 4 acres of pasture from John de Bergo, who holds from Gilbert Peche, who holds from the bishop of Ely, who holds from the king; against what service, the jurors do not know. The same Robert Tybetot holds 120 acres of arable and 8 acres of meadow from John le Bretun, of which John le Bretun held 40

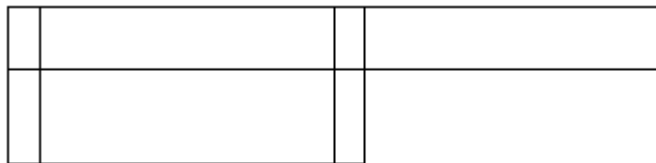
¹ Example ranks from *Standards of Living in the Later Middle Ages*. Numbers and incomes from sundry sources, mostly written Dyer.

² Kosminsky, p.261, from an analysis of the Hundred jurors in 1279.

acres of arable and 6 acres of meadow “in many portions, acquired in different fiefs, but we cannot distinguish the fiefs” – so the jurors declare.”³

“Forasmuch as purchasers of lands and tenements of the fees of magnates and others, have many times previously entered into their fees to the prejudice of the same (lords), since to them (the purchasers) the free tenants of these same magnates and others have sold their lands and tenements to be held in fee for themselves and their heirs from the subinfeudators and not from the lords in chief of the fees, whereby the same lords in chief have often lost the escheats, marriages and wardships of land and tenements belonging to their fees, which thing indeed seemed very hard and extreme to the magnates and other lords, and moreover, in this case, manifest disinheritation.... henceforth it shall be lawful for any free man to sell at will his lands or tenements or a part of them; in such a manner, however, that the infeudated person shall hold that (part) directly of the lord in chief, and shall straightway be charged with as much service as pertains or ought to pertain to that lord for that parcel.... And it must be known that by the said sales or purchases of lands or tenements, or any part of them, those lands or tenements in part or in whole, may not come into mortmain...”⁴

A football field, overlaid with an acre of land:



Acre: 22 yards x 220 yards (after Norman standardization). 4 ox-goads by 1 furlong. One day's plowing. An acre under cultivation may yield a quarter (8 bushels) of wheat.

Virgate (Yardland): ~30 acres. Might be 20-40 acres. A good holding for a serf.

Oxgang (Bovate): ~15 acres. Might be 10-20 acres. An area that can be worked by one man, and can be plowed with one ox's share of a plow. A reasonable holding for a serf. Simply called a half-virgate in the south.

Carucate (Ploughland): ~120 acres. An area that can be worked with one plow. A reasonable holding for a member of the lesser gentry. Roughly equivalent in size to a Hide.

A peasant might pay annual cash rents of sixpence an acre, so a knight's holding of 6 hides might be thought of as being worth £20/yr if it were all rented out to small-holders for cash. In practice a substantial portion might be retained for the knight's demesne.

A virgate was the canonical good holding for a serf. It might reasonably include:

- About thirty acres of arable land. They would typically be split into thirty one-acre strips, scattered around the village, with each holder getting a share of better and worse farmland.
- A messuage. This was the house and the outbuildings – perhaps a barn, a storage shed, and a small stable – and probably a garden. The house would have been about fifteen feet by forty-five feet, and would have had a door that locked. The buildings legally belonged to the lord, and the tenant was held responsible for keeping them in good repair.

³ Kosminsky, p.77, in an analysis of the Hundred Rolls from 1274-5.

⁴ *Qui Emptores*, 1290. Translation (and parenthetical clarifications) from Henderson, p. 149. The elisions are mine.

- Oxen, typically two or three, for plowing⁵. A virgate-holder could not afford to keep a plow. A plow was needed for every hundred or so acres, and was pulled by a team of eight oxen. The two or three oxen were the virgate holder's contribution to the team that plowed his land and that of three other virgate holders (or six half-virgate holders, or...)
- Other animals might reasonably be expected to include two or three dozen sheep, and a small number of cows. The size of the flock or herd was limited by the number of animals a holder was allowed to graze on common land.
- Limited pasture rights and limited rights to use managed woodlands – e.g., the right to gather a certain amount of firewood each year. In parts of England there might be corresponding rights to cut peat or to gather plants in the marsh.

In exchange, the serf was expected to pay:

- Rent. The serf owed a cash rent. An average rent for a virgate-holding serf in the late thirteenth century was about half a pound a year, at a time when a day's wage was about a penny.
- Gersuma. The serf paid an entry fee when taking over a holding. Rents tended to be stable, but gersuma tended to reflect a market sensibility of peasants' demand for land.
- Tithes. The church got one tenth of the crop off the top. When reading records of the time, note that the yields they report are often yields after tithes.
- Labor. A serf might owe as much as half his work time – or an equivalent.
- Court fines. Justice was considered a valuable franchise.
- Miscellaneous – but adding up to a lot: Carting services. Charges for use of the mill. Obligation to sell produce to the lord at a special price. Petty rents for use of the woods or marsh or bog. Heriot – the serf's best animal, payable to the lord on the serf's death. Merchet – a 'fine' payable for permission to marry off a daughter. Leyrwite – a fine for fornication. Special assessments (aids) at the lord's need.

Table 2: Incomes from 13 of the manors belonging to the Earl of Norfolk, c. 1270⁶

Source	Court	Mills	Petty Rents	Payments in Kind	Various	Labor	Rent	Total
Income (£)	144	53	24	17	137	100	164	639

⁵ A virgate-holder could not afford to keep his own [8-oxen] plow, but was expected to contribute some of the oxen for shared plows. There is debate about how plow teams were combined. After the thirteenth century, the oxen were increasingly likely to be replaced by horses.

⁶ Estimates are from *Studies in the Agrarian History of England*. *Auxilium* (feudal aids) has been folded into *court* revenues. *Sales of wood* and *letting of marsh* have been folded into *various*. *Petty rents* include *faldagium* (for sheep folds), *herbagium* (grazing, especially on demesne land or in the woods), *pannagium* (forage for pigs), and *capitagium* (head tax, sometimes paid in fowl).

Table 3: A simplified budget for a half-virgate holder⁷

	Wheat	Barley	Peas	Total
Land sown in 2-course rotation	2.5 acres	3.75 acres	1.25	7.5 acres
Grain yield	1:4	1:5	1:3	
Total crop	20 bushels	75 bushels	11 bushels	
Seed grain per acre	2 bushels	4 bushels	3 bushels	
Seed grain for next year	5 bushels	15 bushels	4 bushels	
Tithe to church at 1:10	2 bushels	7.5 bushels	1 bushel	
Milling, at 1:24	0.5 bushels	2 bushels		
Subtotal	12.5 bushels	50.5 bushels	6 bushels	
Food for couple and two children	10 bushels	24 bushels	2 bushels	36 bushels
Ale		8 bushels		8 bushels
Remaining	2.5 bushels	17.5 bushels	4 bushels	
Price per bushel	9p	6p	4p	
Cash equivalent	1s 10.5p	8s 9p	1s 4p	12s
Rent at 6p/acre				7.5s

Table 4: Sizes of Holdings⁸

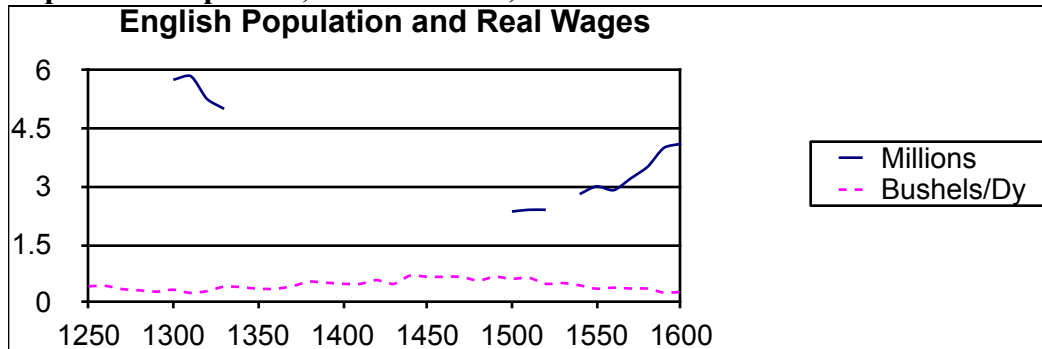
Size of Holding	Serfs	Free-Holders	Total
> 1 Virgate	0.5%	3.5%	4%
1 Virgate	17%	6%	23%
1/2 Virgate	18%	7.5%	25.5%
1/4 Virgate	5.5%	5.5%	11%
Cottar	16.5%	20%	36.5%
Total	57.5%	42.5%	100%

⁷ This table abstracts away economically-important activities and resources, including gardens, livestock, access to woods, and day labor. Tweaking these numbers slightly can make the circumstances of the typical serf look comfortable or desperate. The values in this table are drawn from numerous sources, chief of which was Dyer (Standards of Living).

⁸ Kosminsky's numbers are slightly different from these, because of rounding decisions.

“And they say that Agnes Maltiras is not worthy to be let stay in the vill because she gleans wrongly taking sheaves and other small things. Therefore the vill is prohibited to her. And Alan Haugate received her, therefore (in mercy to) threepence, pledge Ralph Haugate.”⁹

Population Explosion, Great Famine, and Black Death¹⁰



“....Because a great part of the people and especially of the workmen and servants has now died in that pestilence, some, seeing the straights of the masters and the scarcity of servants, are not willing to serve unless they receive excessive wages, and others, rather than through labour to gain their living, prefer to beg in idleness: We, considering the grave inconveniences which might come from the lack especially of ploughmen and such labourers, have....seen fit to ordain: that every man and woman of our kingdom of England, of whatever condition, whether bond or free, who is able bodied and below the age of sixty years, not living from trade nor carrying on a fixed craft, nor having of his own the means of living, or land of his own with regard to the cultivation of which he might occupy himself, and not serving another, - if he, considering his station, be sought after to serve in a suitable service, he shall be bound to serve him who has seen fit so to seek after him; and he shall take only the wages, liveries, meed or salary which, in the places where he sought to serve, were accustomed to be paid in the twentieth year of our reign of England, or the five or six common years next preceding....”¹¹

⁹ Raftis, p. 134, translating a court report from Warboys, 1313.

¹⁰ This graph shows two trend lines. The solid line shows estimated population in millions. The broken line gives, as a surrogate for inflation-adjusted standard of living, the number of bushels of wheat a skilled day-laborer (e.g., a roofer or a carpenter) could buy with one day's wages. I'm very proud of this graph. I had to splice and reconcile many data sources to construct it. By the same token, it represents a compromise between numerous estimates.

¹¹ Opening of the *Statute of Labourers*, 1351. Translation from Henderson, p.165. Elisions are mine.

Some notes, definitions, and factoids

Aids – cash payments that may be exacted to help pay for the knighting of the lord's eldest son, the marriage of the lord's eldest daughter, or the lord's ransom.

Ale – It is true that ale was preferred to water (and was safer to drink), but it is unlikely that most peasants could afford to drink ale most of the time. A family that could afford to use 2 bushels of barley per person per year for brewing might produce 16 gallons of ale per person – not quite a cup a day – a cup and a half if it's watery enough (and the brewer pays the fines).

Bordar – holds barely enough land for a family to live on – often about a quarter virgate, though the term has been applied at times to people with almost no land and to people with half a virgate. Sometimes grouped with cottars.

Cumin – I have one unattested citation for the price of cumin in thirteenth-century England: 2s for a pound of cumin in London. It would have been higher at a distance from London. (At the same time, white sugar was 12s per pound and ginger was 18s.)

Cottar – holds a cottage and a small amount of land – generally less than five acres and sometimes less than one acre.

Demesne – the portion of a lord's holding that is cultivated for the lord's direct use or benefit.

Famuli – landless workers who are the core of a demesne's work force. They receive a cottage, a contractual stipend of food, and a cash allowance (e.g., a penny a week).

Frankpledge – a group of ten men (later a dozen) who are mutually responsible for each other's behavior. The view of frankpledge was the annual appearance of the entire pledge at a court.

Hide – a holding capable of supporting a fighting man. A plowland might be a common size. Differs from the smaller measure of land used in pre-conquest times.

Hundred – an administrative unit nominally capable of supporting a hundred fighters.

Knight's fee – a holding suitable for supporting a knight. Five or six hides might be common.

Life expectancy – On the basis of court records, it is estimated that a cottar had a life-expectancy at twenty of twenty more years, and a virgate-holder of twenty-eight more years.

Mortmain – transfer of land to an organization. Especially, willing of land to the church.

Naif – serf by birth.

Scutage – cash payment made in lieu of knightly service.

Servus – slave. Slaves constituted perhaps 10% of the population of pre-Conquest England. The Normans freed the slaves. (We are not told that they were grateful.)

Situs Molendini – signifies that the holder has a license to mill.

Yields – A typical 13th-century wheat field might require 2 bushels of seed and yield 8 bushels (4:1) of wheat. Today, 20:1 yields and 50 bushels to the acre are common. In a very bad year (e.g., 1316), yields might be as low as 2:1. Intensively-worked plots might have higher yields.

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