

Extranei and the market for customary land on a Westminster Abbey manor in the fifteenth century*

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Abstract

This article attempts, through a case study of a fifteenth-century Essex manor, to explore both the extent of and reasons for outside investment in customary land. The article identifies certain sectors of society and economy from which such outside investment may have issued and discusses developments within the manor which may have encouraged such investment. It is a contention of the article that a softening of seigneurial policy was a significant stimulus to the incursion of outsiders, *extranei*, into the market for customary land. In turn, the long-cherished policies of landlords were, by the close of the period, challenged by the expectations of the new wealthy and high status tenants.

It is a familiar theme of much of the work on the late medieval peasant land market that, throughout the fifteenth century, it was local men who dominated the land market and that movement in that market was the product of local supply and demand. An early articulation and, perhaps, the genesis of this thesis lies with Tawney, whose study of *The Agrarian Problem in the Sixteenth Century* includes a brilliant survey of rural conditions before the sixteenth century. In discussing the growth of a land market in customary land in the later middle ages and the consequent process of consolidation and accumulation of holdings, Tawney remarks that 'the growth of large customary tenancies ... can hardly be explained except as a result of enterprise among the tenants themselves'.¹ For Tawney, as for others writing subsequently, it was the opportunities presented to sections of the peasantry by, above all, growing commercialization, a process of commutation, and the leasing of demesnes, which generated sufficient surpluses of capital to encourage a peasant land market. In so far as 'commerce and industry' had a part to play in this, Tawney suggests that local industry encouraged the use of money and limited speculation in land. But the sense is that before the sixteenth century, such speculation in customary land was confined to the peasantry.² It was not, Tawney argues, until the last decade of the fifteenth century that the demands of larger scale industry began to conflict with the small-scale endeavours of the peasantry.³

Many of the features of Tawney's argument reappear in the work of later historians. In

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¹ R. H. Tawney, *The Agrarian problem in the sixteenth century* (1912), p. 72.

² *Ibid.*, pp. 84–5.

³ *Ibid.*, pp. 112–15.

particular, the conviction abounds that the land market was intensely local and made up of customary tenants drawn from the peasantry. Rodney Hilton's discussion of the land market on the Leicester Abbey estates in the fourteenth and fifteenth centuries is couched very much in terms of a local market in which certain members of the peasantry emerged successful at the end of the fifteenth century.⁴ The implication of the writings of M. M. Postan on the peasant land market is also that, even by the end of the middle ages, it was predominantly a means by which peasants redistributed resources amongst each other.⁵ Postan, in an early statement of his ideas on the peasant land market, argued that the fifteenth century provided fewer opportunities for the wealthier peasantry than it did for the smallholders. With lowering rents and entry fines but rising wages, it was the poorer villagers who were best placed to take on more land and climb into the society of the village 'kulaks'.⁶ On the Westminster Abbey estates, also, accumulation of holdings in the fifteenth century has been characterized as a fairly slow process and, most importantly, a local one. It was, further, the expectation of the monks of Westminster Abbey that tenants of large virgated holdings *should* be local.⁷ On the estates of the Bishop of Worcester, most dealing in customary land before the sixteenth century also looks to have been between customary tenants. Stability of large but recently accumulated holdings is not evident in the manorial records until the early sixteenth century; before that, transfer of land has been portrayed as a response to the needs of the peasant life-cycle.⁸ Most recently, P. D. A. Harvey has made one of the more categorical statements concerning the nature of the fifteenth-century peasant land market, arguing that 'on the whole it was clearly still unusual for lands to be held in copyhold by members of the gentry, or even by the moderately well-to-do ... Nearly all copyholders were local tenants whose estates were not only small but transitory'.⁹

Explanations for this localism vary but historians have identified, directly or indirectly, a number of influences which, as separate or composite causes, militated against the emergence of outsiders, *extranei*, amongst the major tenants of customary land on some manors whilst explaining their emergence elsewhere. Amongst these key influences are to be counted the distance of particular estates or manors from urban centres and capital markets, the willingness or unwillingness of outsiders to purchase customary land, especially in the face of the base tenure of the land and the lack of protection at Common Law, and the attitude of landlords to such outside investment.

Where one or other of these constraints against external investment in the customary land market could be removed or reduced in some way – as, for example, where customary land was or came to be situated close to areas of proto-industry or to urban centres – then it was possible

⁴ R. H. Hilton, *The economic development of some Leicestershire estates in the fourteenth and fifteenth centuries* (1947), pp. 94–105.

⁵ C. N. L. Brooke and M. M. Postan (eds), *Carte Nativorum. A Peterborough Abbey cartulary of the fourteenth century* (Northamptonshire Record Soc. 20, 1960), p. lx. Postan did acknowledge that the land market in the late middle ages was 'capable of achieving a permanent reshuffle in the social structure of the countryside' but did not elaborate this point and it is unclear exactly what he had in mind, *ibid.*, p. liv.

⁶ M. M. Postan, 'England', in Postan (ed.), *The Cambridge economic history of Europe, I, The agrarian life of the middle ages* (2nd edn, 1966), pp. 630–1.

⁷ B. F. Harvey, *Westminster Abbey and its estates in the middle ages* (1977), pp. 288–90. See also below, pp. 10–11.

⁸ C. C. Dyer, *Lords and peasants in a changing society: the estates of the Bishopric of Worcester, 680–1540* (1980) pp. 293, 312–13.

⁹ P. D. A. Harvey, 'Conclusion' in *idem* (ed.), *The peasant land market in medieval England* (1984), pp. 328–9.

for that market to become other than local.¹⁰ Similarly, dilution of the force of lordship or familial commitments to land or an increased confidence amongst outsider purchasers could all facilitate the incursion of external capital into the local land market.¹¹ The following article will attempt, through a manorial case study, to explore some of the factors which combined to encourage those who were not local peasants to enter into customary tenure in the fifteenth century. In particular, the role of tenurial change in facilitating the entry of outsiders will be given close consideration. In order to examine these issues, the article will concentrate upon a single manor of the Abbey of Westminster, the manor of Birdbrook in north Essex.

I

Birdbrook, a demesne manor of the prior and convent of the Abbey of Westminster from the late thirteenth century until the Reformation, is situated in northern Essex a few miles south of the river Stour. Land at Birdbrook in the late middle ages was divided between the demesne (c. 560 acres), free land (c. 325 acres), unfree land other than customary standard holdings (approximately 40 acres), and the customary standard holdings (216 acres).¹² It is the

¹⁰ See, for instance, Harvey, 'Conclusion', pp. 338ff., with reference to Faith, 'Berkshire: fourteenth and fifteenth centuries', in Harvey (ed.), *The peasant land market*, pp. 142–5. Also D. Moss, 'The economic development of a Middlesex village', *AgHR* 28 (1980), pp. 108ff. P. Glennie, 'In search of agrarian capitalism: manorial land markets and the acquisition of land in the Lea valley, c. 1450–c. 1560', *Continuity and Change* 3 (1988), pp. 20–30; E. M. Carus-Wilson, 'Evidences of industrial growth on some fifteenth-century manors', *EcHR* sec. ser., 12 (1959), p. 204; J. Hatcher, *English tin production and trade* (1973), pp. 57, 80; *idem*, *Rural economy and society in the Duchy of Cornwall, 1300–1500* (1970), pp. 238–40, 243–5; I. Blanchard, 'The miner and the agricultural community in late medieval England', *AgHR* 20 (1972), pp. 96–8; *idem*, 'Industrial employment and the rural land market 1380–1520', in R. M. Smith (ed.), *Land, kinship and life-cycle* (1984), pp. 241–54; J. N. Hare, 'Growth and recession in the fifteenth-century economy: the Wiltshire textile industry and the countryside', *EcHR* 52 (1999), pp. 10, 20–1.

¹¹ On lordship and its restrictions, see Harvey, *Westminster Abbey and its estates*, ch. 10; R. H. Hilton, *The English peasantry in the later middle ages* (1975), p. 69, where the entry of members of the gentry and lawyers into copyhold tenures in the mid-fifteenth century is explained in terms of confrontation with the lord and the amelioration of conditions of tenure. Discussion of the family-land bond and its persistence into the late middle ages can be found in, *inter alia*, Faith, 'Berkshire, Fourteenth and Fifteenth Centuries', pp. 106–77; and A. Jones, 'Bedfordshire: fifteenth century', pp. 178–251 both in Harvey (ed.), *The peasant land market*; C. Howell,

Land, family and inheritance in transition: Kibworth Harcourt, 1280–1700 (1983); Z. Razi, 'Family, land and the village community in later medieval England', *Past and Present* 93 (1981), 3–36; *idem*, 'The erosion of the family-land bond in the late fourteenth and fifteenth centuries: a methodological note' in Smith (ed.), *Land, kinship and life-cycle*, pp. 295–304. For an important, if partial, recent discussion of this material, see Razi, 'The myth of the immutable English family', *Past and Present* 140 (1993), pp. 3–44, esp. pp. 22–36. For outside purchasers, see, for example, Harvey, 'Conclusion', pp. 328–9.

¹² Court and account rolls survive for Birdbrook from the thirteenth century until the sixteenth but not in an unbroken series. During the fifteenth and early sixteenth centuries, courts tended to be held just twice a year, typically around the feasts of St. Margaret the Virgin (20 July) and St. Matthew the Apostle (21 Sept.). Court rolls survive from most years between 1412 and 1516; the series of richly detailed manorial accounts of the bailiff or serjeant ends with the leasing of the demesne in 1405 but thereafter, the farmer's annual account of rents and farms continues in broken series until 1516 (court rolls: Essex Record Office [hereafter ERO] D/DU 267/28–35, Westminster Abbey Muniments [hereafter WAM] 25567–25570; manorial accounts: WAM 25395–25566). For the first half of the fifteenth century, the accounts, which include within moneys received a detailed and regularly updated section for farms (*firmes*), are instructive as to changes in the size of annual farms and the turnover of lessees. From the mid-1440s the format of the farms section was altered. Instead of the detailed farms section, there is a single entry which records 'the farms of

customary standard holdings with which we shall be concerned here. In 1292, when the monks of Westminster Abbey became the lord of the manor, they discovered that there were $6\frac{3}{4}$ virgates at Birdbrook; these virgates provided, apart from boon works, all of the labour services on the manorial demesne and were most probably the same units as the seven holdings of the *villani* listed in Domesday.¹³ It was soon apparent to the monks that no tenant held as much as a virgate, which from calculations based on information in the accounts and court rolls was made up of 32 acres, but instead holdings tended to be one-eighth, one quarter or, less usually, half of this size. Most often, the standard holding was a quarter virgate of eight acres, the acres referred to as ware acres (*acra wara*), a reference to geldable land of pre-conquest origin. Attached to each of these holdings were a couple of acres of pasture and meadow, and it is probably for this reason that in the fifteenth century standard holdings are sometimes described as being composed of ten acres rather than eight.¹⁴

There were at Birdbrook in the later middle ages, 25 quarter-virgates, each of eight acres, and four 'eighth' virgates, each of four acres. Each of these holdings was referred to by the name(s) of previous tenants and it is possible, with a greater degree of certainty in some cases than in others, to chart the progress of the bulk of these holdings from the fourteenth century through to the early sixteenth century. The vast majority of holdings were not fragmented into smaller units but appear to have retained their integrity throughout the period and, most importantly, their identification as separate holdings persisted long after they became part of larger accumulated holdings.

In the early fourteenth century and for a number of decades after the arrival of plague in the mid-fourteenth century, transfer of customary land at Birdbrook was wholly local and, for the most part, the point of transfer was at death and the incoming tenant was the rightful heir (Table 1). However, from the late fourteenth century, the transfer of customary land at Birdbrook appears, usually, not to have been between kin and, further, does not appear to have been part of an exclusively, or even typically, local land market. By the end of the fourteenth century, there was little or no *post-mortem* transfer of customary standard holdings and little to suggest *inter-vivos* transfer between kin. Despite the apparent efforts of some villagers to

the lord's holdings to diverse tenants this year' whilst on the dorse of the account a list of tenants and lessees is presented but with the minimum information (WAM 25519, 1446-7, and after). A similar and near contemporaneous (1448) development is noted by Carus-Wilson at Bisley (Gloucs.), Carus-Wilson, 'Evidences of industrial growth', p. 197. This same format was used throughout the remaining accounts, the names and details on the list altering little over decades, until the list was abandoned completely. For a few years the list of allowances at the foot of the face of the account became the place to record changes from one year to the next, as it did elsewhere at this time, but this practice also soon ended and the annual accounts ossified into near perfect copies of each other; see P. D. A. Harvey (ed.), *Manorial Records of Cuxham, Oxfordshire* (Oxfordshire Record Soc., 50, 1976), pp. 70-1. Unlike the account rolls, the court rolls retained

their integrity into the sixteenth century; although woefully lacking in much other detail throughout much of the fifteenth century, they were clearly maintained as careful records of land transfers, and were searched and vouched as such; for the second half of the fifteenth century we are largely reliant upon them.

¹³ P. R. Schofield, 'Land, family and inheritance in a later medieval community: Birdbrook, 1292-1412' (unpublished D.Phil. thesis, University of Oxford, 1992), p. 95.

¹⁴ By the fifteenth century, terminology had also begun to loosen and quarter-virgates (eight ware acre holdings) were often referred to as 'virgates' or 'half virgates'. In the fifteenth century also the description of acres as ware acres, an indication at the beginning of the fourteenth century that the land owed weekly labour service to the lord and was tainted with servility, disappeared.

TABLE 1. Birdbrook: Transfers of customary standard holdings, 1292-1509

<i>Decade</i>	<i>Number of courts</i>	<i>Grant from lord</i>	<i>Post-mortem</i>	<i>Inter-vivos</i>
1290-99	35		2	
1300-09	0			
1310-19	0			
1320-29	5			
1330-39	16	4	3	4
1340-49	9	5	16	
1350-59	0			
1360-69	9	3	1	1
1370-79	12	1		2
1380-89	32	6	1	1
1390-99	22	6	2	
1400-09	20	5	1	
1410-19	13	9		1
1420-29	15	11		1
1430-39	12	3		
1440-49	13	2		
1450-59	12	3		1
1460-69	12	3		1
1470-79	18	2	1	2
1480-89	16			9
1490-99	20	2		5
1500-09	12	1		5

Source: ERO D/DU 267/28-35; WAM 25567-70

keep their name on the land by renewing terms of years more than once, and the occasional appearance of a lessee with the same name as the tenement he was holding, surname evidence and other biographical evidence gleaned from the court rolls indicates that by the first decade of the fifteenth century the majority of lessees of standard holdings were new to the manor and that any long-standing family links to these holdings had probably been eroded during the last decades of the fourteenth century.¹⁵ There is little or no indication that these outsiders were distant lateral kin who had descended on Birdbrook in the late fourteenth and early fifteenth centuries to claim their birth rights, as Razi finds they did at Halesowen. Instead, a significant proportion of lessees *c.* 1400 would appear to have been adventurers who had first entered the manor as servants.¹⁶

¹⁵ P. R. Schofield, 'Tenurial developments and the availability of customary land in a later medieval community', *EcHR* 49 (1996), p. 260, Table 3.

¹⁶ Razi, 'Family, land and the village community', p. 27; Schofield, 'Tenurial developments', pp. 260-4.

This influx of outsiders continued into the fifteenth century. Between 1412 and 1426, the first year of the next surviving account, all but one of the standard holdings had changed hands; although some of the new lessees are familiar from earlier years, others, almost 75 per cent, are not. Undoubtedly, some of these new lessees of customary standard holdings were individuals of fairly limited means, a possibility supported by their inability to maintain their lease during a period of declining rents and the consequent rapid turnover of lessees for certain holdings. There was also the constant procession of those who took a lease for a few years and then vacated it, perhaps abandoned it; the court and account rolls of the second quarter of the fifteenth century are punctuated with these brief visitors, with their unfamiliar surnames: Robert Sadde, Roger Mower, Robert Pung, John Bottwyhgt, John Cornyssh'. If these lessees were similar to those who speculated in the lease market at Birdbrook in the late fourteenth century, they were the last of a dying breed. Increasingly, from the second quarter of the fifteenth century, the tenure of standard holdings appears to have been dominated by wealthy entrepreneurs and, less typically, minor gentry.

The provenance and status of purchasers of customary standard holdings is especially evident by the last decades of the fifteenth century. It is clear that the buyers of customary land in this period, and notably from the 1470s, were frequently from beyond the manor (their surnames typically new to the manor), that a significant proportion were not peasants, and that a process of accumulation was funded by outside capital. It was also increasingly the case that a significant number of these purchasers were not resident on the manor.

Although occasional references and the identification of certain individuals permit some estimate of the proportions of customary standard holdings in the hands of 'non-peasants' over the fifteenth century, it is only possible to give minimum figures from both the first and the second half of the fifteenth century. The minimum proportion of those holding customary standard holdings who were not peasants in the early fifteenth century is likely to have been one in ten; by the close of the fifteenth century, it was closer to one in three.¹⁷ The transfer of six customary holdings (accounting for almost a quarter of all such holdings on the manor) which remained as a single holding from mid-century illustrates the potential lack of rusticity in the late fifteenth century land market at Birdbrook. One William Southey inherited these holdings on the death of Robert Southey in 1479; three years later William sold his land to Sir Robert Tyrell (a member of the Essex gentry family, which included, amongst their number, a speaker of the Commons, and a confidante of Richard III).¹⁸ Tyrell eventually sold his land, in 1502, to the most important figure of the early Tudor cloth industry, Thomas Spring of Lavenham, the 'rich clothier', whose daughter and niece were to marry, respectively, William Ernely, son of the Lord Chief Justice of the Common Pleas and Aubrey De Vere, second son of the 15th Earl of Oxford. On his death in 1523, his eldest son, John Spring (later to be

¹⁷ Based upon identification of fullers holding customary holdings in the early fifteenth century, for example, 1404-5 (WAM 25500) and below p. 8 and of tenants of the accumulated block of six customary holdings in the late fifteenth century, e.g. ERO, D/DU 267/34, court of 17 July 1482; ERO, D/DU 267/35, court of 16 Sept. 1506.

¹⁸ For the Tyrell family, see H. W. King, 'Ancient wills (no. 3)', *Trans. Essex Archaeological Society* 3 (1863), pp. 75-94; *idem*, 'Ancient wills (no. 4)', *Trans. Essex Archaeological Society* 3 (1863), pp. 175-8; also, P. Morant, *The history and antiquities of the County of Essex* (2 vols, 1768), II, p. 344.

knighted on the accession of Edward VI) inherited the holding but soon surrendered it to his brother, Robert.¹⁹

It is clear, therefore, that by the end of the fifteenth century, outsiders had long been involved in the purchase of customary land at Birdbrook. Most importantly, from the mid-fifteenth century, gentry and merchants were prepared to take holdings in customary land. What were the conditions that may have prompted them to do so?

II

In this section, we need to return to the list of constraints which are perceived as discouraging non-peasants from taking customary land in this period. To what extent did these prevail at Birdbrook in the fifteenth century and why were they overcome, as they seem to have been? We will dwell, in particular, on issues of lordship and tenure. However, before we turn to questions of tenure, we need to establish that there was a potential 'market' and an external clientele for customary land at Birdbrook. Although Birdbrook does not occupy an urban hinterland, there were two significant sources of external capital which may have fuelled the market in customary land. The first of these was the local rural cloth industry, the second was the local gentry.

In the later middle ages, Birdbrook was situated in one of the three primary 'non-urban' centres of the cloth industry.²⁰ The economy of the Stour valley, as a result of the local cloth industry, was recognisably distinctive in the later middle ages. Notably, the population of the region was relatively large, the industry and its offshoots attracting immigrants. The towns of northern Essex and southern Suffolk were noted for their cloth production and provided a vital nexus with their rural hinterlands. In the second half of the fourteenth century, Hadleigh, Melford, Sudbury, Clare, Colchester, Halstead, and Haverhill all ministered to and provided outlets for the rural cloth industry. In the fifteenth century, Lavenham rose to particular prominence as a centre of cloth production.²¹ From at least the mid-fourteenth century, merchants and traders visited the surrounding countryside, buying up wool and, increasingly, organising the local production of cloth. According to a petition to parliament in 1393, the greater part of the people of Essex, Suffolk and part of Norfolk had no other employment than that supplied by the cloth industry.²² Although self-evidently an exaggeration, the petition is

¹⁹ ERO, D/DU 267/35, court of 16 Sept. 1506; ERO D/DU 267/36, court of 16 July 1523. For biographical details for Thomas Spring III, see B. McClenaghan, *The Springs of Lavenham* (1924), esp. pp. 76–7 and App. D., pp. 86–8; also, D. P. Dymond and A. Betterton, *Lavenham: 700 years of textile making* (1982).

²⁰ H. L. Gray, 'The production and exportation of English woollens in the fourteenth century', *EHR* 39 (1924), pp. 30–1. As well as the small area either side of the river Stour in the counties of Essex and Suffolk, Gray identified two other non-urban regions of the cloth industry in rural Somerset and rural Berkshire. For particular details, see Schofield, 'Land, family and

inheritance', pp. 19–21, 394–7. See also, for discussion of Birdbrook and its market nexus in the middle ages, D. Farmer, 'Marketing the produce of the countryside, 1200–1500' in E. Miller (ed.), *The Agrarian History of England and Wales III, 1348–1500* (1991), pp. 352, 363–5, 384, 391.

²¹ For studies of local cloth towns, see G. A. Thornton, *A history of Clare, Suffolk* (1928); R. H. Britnell, *Growth and decline in Colchester, 1300–1525* (1986); Dymond and Betterton, *Lavenham*.

²² *Rotuli Parliamentorum* (6 vols, 1783), III, p. 320, quoted VCH Essex, II, p. 381 and L. R. Poos, *A rural society after the Black Death: Essex, 1350–1525* (1991), p. 59.

testimony to the perceived ubiquity of elements of the industry by the close of the fourteenth century. By the last decade of the century, the region was responsible for nearly six per cent of the production of woollens nationally.²³

There is clear evidence from the mid-fourteenth century onwards of Birdbrook's involvement in the cloth industry, a relationship which drew both rich and poor to the vill. As early as 1349, a Roger of Lavenham was reported as having fled Birdbrook after a night-time attempt to steal cloth from the fulling mill there; by the early 1370s, regular visits by merchants from the neighbouring cloth towns were systematically recorded in the manorial accounts, a practice that continued into the early fifteenth century.²⁴ The growth of the cloth industry from the mid-fourteenth century also saw investment in the demesne fulling mills, a process that drew outside capital into the manor and came to impact upon customary landholding. In the 1350s and 1360s the mill stood idle but, by the end of the fourteenth century, as cloth exports began their dramatic increase, the mill was rebuilt and leased to fullers. In 1385–6, the rebuilder of the mill leased the fulling mill as well as the demesne's watermill and windmill for three years for the sizeable farm of £8 for the first year and £9 6s. 8d. each year thereafter. In 1390–1, a John Fuller of Haverhill leased the fulling mill and pasture for £4.²⁵ Lessees of the demesne mill, by the early fifteenth centuries, also took to leasing customary standard holdings. In 1403, the fulling mill was leased to John Aspelon, fuller, for a term of 20 years, John also leasing a customary standard holding known as Withelards at the same time and for the same term.²⁶ A process of accumulation by demesne lessees and lessees of the lord's mills accelerated in the fifteenth century.²⁷ Finally, in the second half of the fifteenth century, customary land became the target of individual clothiers, as the example of Thomas Spring of Lavenham, quoted above, shows.²⁸

Throughout the period, in addition to the presence of proto-industrial wealth, there was also landed wealth.²⁹ A recent county study of the Essex gentry for the fourteenth century indicates that 'county' and 'parish' gentry were present in sufficient numbers to impact upon any

²³ Gray, 'Production and exportation', p. 34, App. II.

²⁴ Roger of Lavenham: ERO, D/DU 267/29, court of 20 July 1349. Purchasers of wool and hides are recorded in fourteen of the manorial accounts for Birdbrook between 1372–3 and 1403–4. (The accounts run from Michaelmas to Michaelmas.) 1372–3, John Borel de Sudbury (WAM 25469); 1376–7, John atte Rothe and John Borel (WAM 25472); 1377–8, William Fykewyne de Haverhill (WAM 25473); 1378–9, Robert Yne de Sudbury (WAM 25474); 1381–2, John Deighstere de Halstead (WAM 25477); 1382–3, John Deighstere de Halstead (WAM 25478); 1383–4, William Turnour (WAM 25479); 1384–5, John Goodyng (WAM 25480); 1387–8, William Toppesfeld (WAM 25484); 1392–3, John Breggeman and Thomas Goldynge de Sudbury (WAM 25488); 1393–4, John Skilful and John Trewe de Halstead (WAM 25489); 1394–5, William Marion (WAM 25490); 1395–6, William Reede de Brancaster (WAM 25491); 1403–4, John Coldham (WAM 25499).

²⁵ 1385–6 (WAM 25481); 1390–1 (WAM 25486).

²⁶ ERO, D/DU 267/31, court of 24 Sept. 1403. See also, Poos, *Rural society*, pp. 68–9.

²⁷ For example, in September 1436, Robert Laurence, otherwise called the Meller or Miller, was admitted to 'one messuage with one bond tenement and a half bond tenement called Boylonds, Wythelards and Cotemans'. Robert can be identified as lessee of at least two of these holdings in earlier accounts, ERO, D/DU 267/33, court of 18 Sept. 1436; 1426–7 (WAM 25508); 1434–5 (WAM 25508); 1435–6 (WAM 25509).

²⁸ See above, pp. 6–7.

²⁹ For discussion of the gentry and their wealth in the fifteenth century, see H. L. Gray, 'Incomes from land in England in 1436', *EHR* 49 (1934), pp. 607–39; T. B. Pugh, 'The magnates, knights and gentry' in S. B. Chrimes, C. D. Ross and R. A. Griffiths, *Fifteenth century England, 1399–1509. Studies in politics and society* (2nd edn, 1995), pp. 86–128. For a more general discussion of gentry, see C. Given-Wilson, *The English nobility in the late middle ages. the fourteenth century political community* (1996), ch. 3.

market in customary land should they have chosen to do so.³⁰ There were resident lords and substantial tenants in a number of manors and vills adjacent to Birdbrook whilst wealthy freeholders had for long held land in the manor.³¹ In the late fourteenth century, for example, Henry Engleys or Englyssh, at various times sheriff of the counties of Cambridgeshire and Huntingdonshire as well as of Essex and Hertfordshire, held substantial tracts of free land at Birdbrook.³² He also held small parcels of land 'by roll of court'.³³ However, the appearance of Sir Robert Tyrell, in the last quarter of the fifteenth century, amongst the tenants of customary standard holdings, is the first clear indication that the gentry were prepared to make substantial investment in such holdings.³⁴

It seems clear, therefore, that the prevailing economic conditions are likely to have ensured a supply of potential wealthy tenants capable of buying and accumulating customary standard holdings. Furthermore, given that, as we have already seen, extremely wealthy individuals were, in the second half of the fifteenth century, prepared to take customary standard holdings, it is evident that outsiders felt, by that time, sufficiently confident to enter customary land and that, even before the mid-fifteenth century, it seems that there was an appetite for customary land amongst buyers from beyond the manor. That confidence may have increased in the last decades of the fifteenth century as land held in villeinage cast off taints of servility, principal amongst which was the lack of protection against lordship and its more onerous demands, a point to which we shall return.³⁵

The behaviour of farms and rents certainly suggests that demand for land remained reasonably high throughout the period but that it might have shown renewed vigour in the late fifteenth century. All but five of twenty-one observable farms of standard holdings suffered some decay of rent between the 1420s, a decade from which only one account, for 1426-7, survives, and the 1430s and 1440s, with the majority suffering a dramatic drop in 1438, which would be consistent with the very poor harvest and near famine conditions of that year.³⁶ However, few holdings

³⁰ Jennifer C. Ward, *The Essex gentry and the county community in the fourteenth century* (1991), p. 16. For other investigations of county gentry in the late middle ages, see K. S. Naughton, *The gentry of Bedfordshire in the thirteenth and fourteenth centuries* (Department of English Local History, occasional papers, third ser., 2, 1973); N. E. Saul, *Knights and esquires. The Gloucestershire gentry in the fourteenth century* (1981); M. J. Bennett, *Community, class and careerism: Cheshire and Lancashire society in the age of Sir Gawain and the Green Knight* (1982); B. Webster, 'The community of Kent in the reign of Richard II', *Archaeologia Cantiana*, 100 (1984); C. Carpenter, *Locality and polity: a study of Warwickshire landed society, 1401-1499* (1991).

³¹ For the proximity of neighbouring gentry in the fifteenth century, see, for example, Morant, *County of Essex*, II, pp. 307, 311, 345, 349-50, 356-7, 361, 363, 365-7, 380.

³² For Englyssh's office-holding, see VCH *Cambridgeshire*, II, p. 400 n. 99 and A. Steele, 'Sheriffs of Cambridgeshire and Huntingdonshire in the reign of Richard II', *Proc. Cambridgeshire Antiquarian Society*, 36

(1934-5), pp. 13-14; also, Ward, *Essex gentry and the county community*, p. 4. Englyssh was also escheator, *ibid.*, p. 5. He was certainly actively engaged in the acquisition of land in the late fourteenth century in Cambridgeshire, VCH *Cambridgeshire*, II, p. 317.

³³ ERO, D/DU 267/61; also 267/30, courts of 14 Dec. 1387 and 23 Sept. 1391.

³⁴ Members of the Tyrell family were investing in customary land elsewhere in Essex in the late fifteenth century. The will of John Tyrell (d. 1494) includes mention of a tenement and 10 acres of land 'holdeth jointly with me by copes of court roll of "Moch Wakering" ...', King, 'Ancient wills (no. 3)', p. 89.

³⁵ For an indication of the real threats that may have faced the free tenant taking up unfree land, see P. R. Hyams, *Kings, lords and peasants in medieval England. The common law of villeinage in the twelfth and thirteenth centuries* (1980), ch. 5.

³⁶ For 1438, 1438-9 (WAM 25511); entries in the court rolls look to indicate an increased dislocation in the early 1430s, ERO D/DU 267/33, court of 20 Sept. 1431.

needed to be let to more than a single farmer at any one time. There was also a degree of stability: by comparison with the account for 1426, four farms of standard holdings had increased by the mid-1440s, seven had stayed the same, and six had fallen (a further four had no farm separately recorded because the lessee paid a lump sum for all of his leasehold land); the total receipts from farms in 1426 was not dramatically different, in fact slightly lower than that in 1445. From the mid-fifteenth century customary standard holdings returned a money rent rather than an annual farm and the farms listed in 1445 appear to have become fixed as rents for the remainder of the period.³⁷ By the early 1460s, all transfers *inter-vivos* were accompanied by the payment of an entry fine. Fines appear to have increased over the late fifteenth century, and fines of between 10s. and 20s. were not uncommon in the last years of the century, features reflective of an increasingly buoyant market in customary standard holdings. However, it is also clear that, before the mid-fifteenth century, those entering customary tenements were not from amongst the ranks of gentry and the wealthier merchants. That such individuals can be counted amongst tenants in the late fifteenth century may be explicable in terms of developments in seigneurial policy and customary tenure, both of which may have encouraged this new clientele, and perhaps were intended to do so. Consequently, we now need to consider in what ways the conditions within the manor became sufficiently conducive to entice outside buyers.

III

Contemporary statements describing developments in seigneurial policy are not easily unearthed. However, consistency of developments across the estates of Westminster Abbey indicates that the monks attempted to implement what was largely a blanket policy in response to the developments of the late middle ages.³⁸ A long fifteenth century (from c. 1380–c. 1520) saw, on Westminster Abbey's estates, tenure in bondage give way first to contractual tenancies and then to hereditary and saleable interests in customary land of a kind which foreshadowed copyhold by inheritance. Standard holdings which, at the beginning of this period might still owe labour services and were described, even into the mid-fifteenth century, as held in villeinage or in bondage, owed a true money rent by the end of the fifteenth century and were held by customary tenure of a kind that made no little or no reference to the servile condition of the land.³⁹ Throughout the period the monks attempted to insist on certain conditions of tenure. In particular, restrictions on the accumulation and fragmentation of customary standard holdings, as well as requirements of maintenance and residence, are evident throughout the estate. The monks were generally reluctant to move from their preferred policies, even in the face of economic realities: among the western manors of the estate, situated in wool-producing regions, the monks were prepared to resist the attempts of 'outsiders' who had begun 'to cast covetous eyes on the pastures of these manors and the tenancies having the right of access to them'.⁴⁰ Restrictions on non-residential possession of customary standard holdings at Todenham, for example, were explicit and persisted into the late fifteenth century.⁴¹ Many of the tenants of standard holdings were local

³⁷ See below, pp. 14–15.

³⁸ Harvey, *Westminster Abbey and its estates*, ch. 10, *passim*.

³⁹ *Ibid.*, pp. 269–75.

⁴⁰ *Ibid.*, pp. 275–6.

⁴¹ *Ibid.*, pp. 254 (tenure), 229–231, 261, 270 (labour services), 288–90 (accumulation), 276, n. 1 (residence).

men.⁴² The monks also resisted any attempts to lay waste to holdings or to exploit them in ways that were deemed inappropriate.⁴³ It was only in particular circumstances, essentially of semi-urbanity, that the monks appear to have allowed any deviation from such policies.⁴⁴

Developments at Birdbrook were largely consistent with the developments observed elsewhere on the estate. The two centuries between 1300 and 1500 witnessed a transformation of customary tenure at Birdbrook, the essential feature of which was a growing security of tenure as villeinage was transformed into copyhold. Before the Black Death at Birdbrook, the only form of tenure recorded in the court rolls for the unfree standard holdings was tenure in bondage (*in bondagio*). The term 'in villeinage' (*in villenagio*) appeared at mid-century but both had given way by the close of the fourteenth century to the more complex tenurial phrase 'at the lord's will in bondage by roll of court' (*ad voluntatem domini in bondagio per rotulum curie*). However, customary tenure was in retreat at Birdbrook by this date: in the second half of the fourteenth century there was a gradual and all but universal replacement of customary tenure by leasehold, or what we might term contractual tenancies, a process that has been described in detail elsewhere.⁴⁵ By the end of the first decade of the fifteenth century all but one of the standard holdings was held by one or other form of contractual tenure, that is, by term of lives, term of years, or for a single year (*hoc anno*). With the mid-fifteenth century came a further change in the tenure of standard holdings. As early as 1411 one individual had leased land on terms similar to copyhold by inheritance: a grant of a customary standard holding to John Gagryme in that year was made 'at the will of the lord in bondage by roll of court' to the lessee and his heirs.⁴⁶ This was a premature glimpse of Maitland's 'modern times' when the first object of the court roll was 'to afford the *villani* and *custumarii* written evidence of their title' and it was not until 1436 that similar entries are to be found. In that year Robert Laurence, otherwise known as Meller, was admitted to hold three tenements, at least two of which were customary standard holdings, to himself, his heirs, and assigns 'at the will of the lord in bondage by roll of court'.⁴⁷ This formula was soon replaced with what was to become the standard tenurial form for the remainder of the period: the admittance of Thomas Wynter, in 1438, to hold 'at the will of the lord by roll of court', presaged the shape of things to come. Thomas Wynter was admitted solely to himself and his assigns; there was no hereditary interest.⁴⁸ Increasingly, however, from the 1450s, new tenants of standard holdings were admitted to hold to themselves, their heirs and assigns 'at the will of the lord by roll of court', and by the mid-1460s this form of entry was universally applied, with fixed money rents, seemingly based on levels attained in mid-century. This formula was again modified at the very beginning of the sixteenth century: in the last years of Henry VII's reign and the first of Henry VIII's, tenants were admitted to hold 'from the lord at the lord's will' (*de domino ad voluntatem domini*) whilst the outgoing tenant

⁴² *Ibid.*, pp. 275–6.

⁴³ *Ibid.*, pp. 273–4.

⁴⁴ *Ibid.*, pp. 285–90.

⁴⁵ Schofield, 'Tenurial developments', pp. 255–60; for a full discussion, see Schofield, 'Land, family and inheritance', ch. 1.

⁴⁶ ERO, D/DU 267/31, court of 21 Sept. 1411. The same holding was granted in 1423 for a term of 10 years, 267/33,

court of 21 Sept. 1423.

⁴⁷ F. W. Maitland (ed.), *Select pleas in manorial and other seigniorial courts* (Selden Society, II, 1889), p. xiv. The same holdings were granted without the hereditary interest in 1453, when they were granted to John Tynford and others in 1453, ERO, D/DU 267/33, court of 20 July 1453.

⁴⁸ ERO, D/DU 267/33, court of 20 July 1438.

was described as holding 'by roll of court' (*per rotulum curie*) and, occasionally, 'by roll of court and by better security' (*per rotulum curie et per maiorem securitatem*). This last element, the mention of better security is, presumably, an oblique reference to copies. By the early 1490s, reference to copies as evidence of right to surrender was a standard feature of surrenders *ad opus* (to use).⁴⁹

There were also marked developments in the form and flexibility of transfer and admittance recorded in the court rolls over the fifteenth century. Until the mid-century, the vast majority of admittances (1413–1449, 23 out of 27; 85 per cent) were in the form of grants by the lord for a term of years, typically with a right to assign but seldom with a right to inherit; on one occasion, an individual was admitted to hold for the life of another (*pur autre vie*), another was admitted to the residue of a term of years, and two lessees entered 'at the will of the lord'. The admittances for the remainders of the terms of life and of years are the only surviving examples of explicit assignment of terms; however, the numerous admittances to standard holdings for single years, which, as we have seen, are well-evidenced in the accounts for the first half of the fifteenth century, may indicate that residues of terms were assigned extra-curially with some frequency, a suggestion supported by the observation that the names of lessees changed in the manorial accounts. The pattern was very different in the second half of the fifteenth century. There were three grants of leaseholds by the lord for terms of years in 1450 and 1451 but, as already noted, these were the last. Thereafter, tenants, who, as we have seen, had come, by this time, to receive their holdings 'at the will of the lord to themselves, their heirs, and assigns', also tended to transfer their holdings by surrender and admittance *ad opus*, to the use of the buyer, a feature that stands in marked contrast to the situation a century earlier. Between 1450 and 1500, there were twenty-nine identifiable transfers of standard holdings, of which three were admittances for terms of years; there were also seven admittances at the will of the lord, one transfer *post-mortem* and twenty-one transfers *inter-vivos* by surrender and admittance *ad opus*.

These developments permitted and encouraged the development of the conditions of tenure and transfer which would have been inconceivable in the early fourteenth century. Notably, there was an increased freedom in the transfer of customary land which prompted a 'real' market in that land. A market in customary land introduced further novelties. As customary standard holdings became marketable assets rather than family holdings – the *terra unius familie* of an earlier period – their tenants looked to exploit them differently. By the end of the fifteenth century, the monks were prepared to tolerate certain excesses which they would once have condemned. In particular, the accumulation of holdings, the absenteeism of tenants

⁴⁹ It is only in the last two decades of the fifteenth century that the copy starts to make regular appearance in the court rolls at all but by the early 1480s, unlike perhaps earlier, the copy of the roll was clearly presented as evidence of secure title on sale of standard holdings; thus, in July 1482, William Southey's surrender of six standard holdings *en bloc* was supported by copy of the court roll entry of his admittance three years previously (ERO, D/ DU 267/34, court of 17 July 1482). This use of the 'copy' of the court roll as security of title comes late on the Westminster Abbey estates: Harvey, *Westminster Abbey and its estates*, pp. 284–5; also Schofield, 'Land, family and inheritance', pp. 106–7. Although some, if not all, late fourteenth-century leaseholders possessed copies of their leases, detailing, *inter alia*, the condition of the tenement on admittance, reference to copies are few and nowhere in the late medieval muniments for Birdbrook do we meet tenure 'by copy'. Throughout most of this earlier period, the copy was, in fact, used as much or more to regulate and prove relations between lord and tenant/lessee as to show good title to a prospective buyer.

and the failure to maintain holdings were increasingly accepted. We will deal with each of these developments in turn, beginning with the rise of a market in customary standard holdings.

At Birdbrook, in the fourteenth century, particularly before the introduction of contractual tenancies after the Black Death, the majority of customary standard holdings, as Table 1 shows, were transferred on the death of the tenant. The *inter-vivos* transfer of customary standard holdings was, seemingly, the product of lordly intervention, as the monks of Westminster Abbey redistributed holdings to those capable of working them.⁵⁰ Any *inter-vivos* market in unfree land, at least in the first half of the fourteenth century, was confined to the small plots of land which existed outside of the virgated structure. Discussion of a market in customary standard holdings in the fourteenth century is therefore something of a *non-sequitur*: the customary virgate and its fractions at Birdbrook were units so closely administered by the monks that it is difficult to see the timing and nature of their transfer as being determined by any other party.⁵¹

The transfer of customary standard holdings increased significantly in the second half of the fourteenth century and the first half of the fifteenth. With the introduction of contractual tenancies, or leasehold, and the total disappearance of hereditary interests in customary land, holdings now changed hands at the expiration of one lease and the creation of another or, less evidently, on the assignment of leases. While the larger leases were recorded in the court rolls, it is the manorial accounts which provide the most important evidence for the frequency of turnover for this period. Between 1390 and 1412 there were only twelve transfers of standard holdings recorded in the court rolls; however, examination of turnover of named lessees in the farms section of the manorial accounts shows that there were an additional thirty-eight entries of leases.⁵² Importantly, not all holdings changed hands as frequently as did others: between 1400 and 1412, thirteen holdings changed hands with relative frequency whilst nine remained in the hands of the same lessee throughout.

This general pattern of occupancy and relative stability of farms, with dramatic turnover for certain holdings and single occupancy for others, persisted into the fifteenth century. As already mentioned, only one account roll, that for 1426–7, survives from the twenty years between 1413 and 1433; comparison of names of lessees in this roll with its surviving predecessor, the account roll for 1412–13, shows that all but one of the lessees of standard holdings had changed. Although we cannot therefore discover for this period the proportion of lessees who, through the brevity or insecurity of their terms, did not have their entries recorded in the court rolls, we do find that 21 transfers of holdings were recorded there.⁵³ For the period covered by manorial accounts between 1434 and 1445, when the detailed recording of farms ended, there were relatively few admittances to standard holdings recorded in the court rolls (five in all); this contrasts markedly with the 51 admittances revealed by turnover of lessees recorded in the account rolls. As earlier,

⁵⁰ ERO, D/DU 267/29, courts of 17 Mar., 25 June, 20 July 1338; also Schofield, 'Land, family and inheritance', pp. 124–9.

⁵¹ Cf. Poos, *A rural society*, pp. 12–3. The landmarket at Birdbrook does not appear to have been typical of the region.

⁵² Schofield, 'Tenurial developments', p. 258.

⁵³ This is a number significantly greater than in the earlier period. All but one of those admitted in the manor court continued to hold his farm by the time of the next

account, in 1426, and in the one case, by 1426, where a lessee other than the one admitted in the court rolls held, the new lessee was referred to as the assignee of the original lessee. In other words, in the second and third decades of the fifteenth century, possibly in response to an initiative on the part of the administrators of the estate, the court rolls may have become, albeit briefly, truly representative of the frequency of transfers of customary standard holdings.

not all holdings changed hands frequently in these years: three holdings were not transferred at all, whilst a further seven were transferred only once.

Between 1445, when the farms section of the manorial accounts ossified, and 1464, there were eight admittances recorded in the court rolls. There were at least – and changes in the names of holdings in this period makes close identification difficult – a further eight transfers of standard holdings between 1465 and 1484. Between 1485 and 1504, a similar number of transfers of standard holdings, ten, took place but as in the previous 40 years, these included large accumulated holdings. Thus, if, instead of counting single transfers (as in Table 1), we count the number of holdings transferred, we can produce a more realistic comparison of the state of the land market in the late fifteenth century compared with earlier periods. Thus, we find in 1450–9, seven transfers; 1460–9, nine transfers; 1470–9, nine transfers; 1480–9, nineteen transfers; 1490–9, nine transfers; 1500–9, thirteen transfers. The apparent development of an active market in standard holdings from the 1480s was reflected in the increased number and size of entry fines.⁵⁴ Although the number of transfers recorded in the court rolls had clearly increased by the close of the fifteenth century, the frequent turnover of certain holdings, evident in the first half of the century, is less apparent. Instead, most holdings now remained in the hands of tenants for fairly long periods, as in the case of the six customary standard holdings which, as a block, were transferred on only three occasions in the sixty years between 1446 and 1506. Although the possibility remains that sub-tenancies of these holdings were traded as frequently as ever, repeated orders levelled against the named tenants for waste and the destruction of buildings on these holdings suggests that the land was farmed directly, often as pasture.⁵⁵

The development and increasing ease of *inter-vivos* transfer of customary standard holdings encouraged the accumulation of holdings. In the first half of the fourteenth century, when frankpledge listings offer a first indication of the number of holdings per tenant, the majority of holdings were held separately and very few tenants held more than a single eight- or four-acre tenement. In the latter half of the fourteenth century, this situation was generally maintained, although two holdings fell permanently vacant in the aftermath of the Black Death. By the close of the fourteenth century, there is evidence that a process of accumulation had begun: by the first decade of the fifteenth century, ten out of 25 observable holdings were held by individual tenants but a growing proportion (60 per cent), were held as part of a larger accumulation.⁵⁶ This process gathered pace during the fifteenth century. By the second half of the century, of the sixteen customary standard identifiable in the court rolls from these years, only one appears to have been held singly, the rest held as parcels of larger accumulations. All in all, these sixteen holdings were in the hands of just six tenants. Interestingly, at Birdbrook once engrossment of this kind occurred, the new composite holdings appear to have retained their form throughout the remainder of the period. For instance, six holdings which appear to have been vacant when the detailed farms section of the accounts was abandoned in 1445 and were described as 'in the lord's hands' in the list on the dorse of the next account were clearly soon let or sold *en bloc*. Throughout the rest of the century and into the sixteenth, they, and an additional holding, were transferred together but every effort was made to ensure that they remained identifiable as

⁵⁴ See above, p. 10.

⁵⁵ See below, pp. 15–16.

⁵⁶ P. R. Schofield, 'The late medieval view of frank-

pledge and the tithing system: an Essex case study', in Z. Razi and R. M. Smith (eds), *Medieval society and the manor court* (1996), p. 435.

TABLE 2: Decennial average numbers of chief pledges at Birdbrook in the fifteenth century

<i>Decade</i>	<i>Average no. of chief pledges per annum</i>
1400-09	21.4
1410-19	23.6
1420-29	23.9
1430-39	23.4
1440-49	18.4
1450-59	21.4
1460-69	16.3
1470-79	14.1
1480-89	12.6
1490-99	13.0

Source: ERO D/DU 267/31-35; WAM 25570.

separate holdings; not only each of their names but also their rents were recorded in each of the transfers.⁵⁷

Along with the increased tendency for holdings to accumulate, there was a growing probability that their tenants would be absentees. Thomas Spring of Lavenham was, of course, not a resident tenant, and neither, clearly, were others of his fellow customary tenants. By cross-referring lists of chief pledges, an office that was dependent for its function upon residency, recorded in the annual view of frankpledge, with the names of tenants of customary standard holdings, it is possible to glean a rough sense of the proportion of customary tenants who were resident in the vill.⁵⁸ In the first quarter of the fifteenth century, where comparison can be made between the chief pledge lists in the views of frankpledge and the names of lessees of customary holdings recorded in the manorial accounts, it seems that over 50 per cent of chief pledges held customary standard holdings; the proportion declined to approximately 33 per cent by the mid-century, and this is where it remained, with some degree of fluctuation, for the rest of the period. Perhaps as importantly, the actual numbers of chief pledges decreased by almost half over the century, so that there were, on average, only thirteen such officers by 1500, of whom only four were tenants of customary standard holdings. This contrasts considerably with the ten or so lessees of customary standard holdings who made up more than 50 per cent of the complement in the early fifteenth century and is a far cry from the early fourteenth century when villein tenants of such holdings provided over three-quarters of the chief pledges for the vill (Table 2).⁵⁹

Consistent with the trends in accumulation and absenteeism, both of which illustrate the dilution of seigneurial policy regarding customary standard holdings at Birdbrook, was the failure of tenants to maintain each of their holdings as viable units. In particular, the buildings on customary standard holdings were allowed to decay. The monks continued to resist waste of

⁵⁷ 1446-7 (WAM 25519); ERO, D/DU 267/34, courts of 17 July 1479, 17 July 1482; 267/35, court of 16 Sept. 1506.

⁵⁸ See also Schofield, 'View of frankpledge'.

⁵⁹ Schofield, 'View of frankpledge', p. 431, table 12.3. Of

course, part of the reason for a declining number of chief pledges holding customary standard holdings, was the concentration of such holdings in the hands of single tenants, a process that has been described earlier, above, p. 14.

tenements into the late fifteenth century, as repeated but intermittent orders in the court rolls for distraint for failure to maintain testify.⁶⁰ However, by the end of the period, these attempts were abandoned and this policy was defeated. In September 1506, when Sir Robert Tyrell sold a block of six customary holdings to Thomas Spring of Lavenham, John Stevenson, the under-steward of the manor, by special mandate of the Abbot of Westminster and of the extrinsic treasurer, Brother Robert Humfrey, admitted Thomas to hold 'free of any punishment, penalty, or forfeiture for waste done or to be done in any home, homes, or buildings upon these premises ...'.⁶¹

IV

The discussion of tenurial developments suggests that the conditions under which customary land was held were considerably relaxed by the close of the period. A combination of improvements in tenure can be highlighted in this respect. Customary tenure itself lost its most immediate associations with servility over the period. By the middle years of the fifteenth century reference to bondage disappeared from the tenurial formula. At the same time, rights of inheritance and of alienation were included in grants to tenants. By the close of the fifteenth century oblique references to 'better security' also indicate that tenants enjoyed written evidence of their tenures. The apparent greater security of tenants was matched by the abandonment of some cherished aspects of seigneurial policy. During the course of the fifteenth century the monks of Westminster conceded that tenants sought to accumulate holdings. By the beginning of the sixteenth century, in what may be an extreme case, the monks recognized the right of their tenant to lay waste to his tenements.

Whether these tenurial developments were led by the demands of purchasers is less than clear. While, undoubtedly, Thomas Spring may have bullied and bribed the monks into their favourable position on maintenance of holdings in 1506, for the most part, we cannot be sure if monastic attitudes to servile tenure and the retention of discrete standard holdings relented in the face of market pressures. Paul Harvey has suggested that, rather than think of the peasant land market in medieval England as a weak institution capable of prospering only where lordship or custom stood aside, historians should be prepared to recognize its force.⁶² For Harvey, the peasant land market had the potential to subvert pre-existing institutions. At Birdbrook, certainly, the market in customary land in the fifteenth century would seem to have responded to external capital and, possibly, to have given direction to tenurial change. The encouragement which this gave to the leading merchants and gentry may have also had a significant impact upon the development of a common law of copyhold, especially in promoting its protection for a new generation of tenants. In 1506, when Spring was wringing new concessions from the monks of Westminster Abbey, Chief Justice Frowyck, in Common Pleas, was finding for the copyholder in an action of trespass, a case which, according to C. M. Gray, has 'a good claim to be the first holding in the copyholder's favor [*sic*]'.⁶³

⁶⁰ ERO D/DU 267/33, courts of 21 Sept. 1426, 20 July 1428, 21 Sept. 1427, 21 Sept. 1431; 267/34, courts of 20 July 1463; 17 Sept. 1482; 17 July 1493.

⁶¹ ERO D/DU 267/35, court of 16 Sept. 1506.

⁶² Harvey, 'Conclusion', pp. 349ff.

⁶³ C. M. Gray, *Copyhold, equity and the common law* (1963), pp. 58-9.