

The Customary Acre: an Indeterminate Measure

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ONE of the types of measurement with which the agricultural historian is most concerned is area; the area of fields and of farms, the area under crops, and the area lying fallow. The traditional measure of area in Britain, for the last several centuries, has been the acre, and most agricultural studies have been based on and expressed in acres. Unfortunately it has not always been realized that the acre used, until relatively recently, was not necessarily the statute acre of 4,840 square yards but often a variable unit known as the customary acre.¹ Some parts of the country continued to use customary acres until the legal enforcement of statute measure in the early nineteenth century, considerably complicating the use of sources from these regions.

One county where these complications may be observed is Cumberland. The statute acre was not generally in use there until the late eighteenth century; before 1700 the customary acre seems to have been employed almost exclusively. There is a widespread belief that the Cumbrian customary acre was the equivalent of 3 statute acres. As far back as 1769 it was claimed that the acres used in the sixteenth-century Percy Survey of Cumberland "are customary acres according to the computation of the country and every such estimated acre often contains near 3 acres of land statute measure and will sometimes exceed that quantity."² This multiplier reappears, apparently independently, in a 1909 article on early Cumbrian agriculture,³ and is used by G. G. Elliott in his recent publications on local field-systems.⁴ Its validity is not confirmed by an examination of the evidence. A searching enquiry into the value of the Cumbrian customary acre was carried out at the beginning of this century for use in a court case, the legal argument depending in part upon the measurement of certain lands in early surveys of the manor of Aspatria.⁵ Expert witnesses were examined on the subject, though not all were precise: "My recollection is that the customary acre is nearer 2 statute acres than 1," said one; "I have heard old people say that the 'old yacker' was about as 5 is to 7; others have given it as 4 is to 5," reported another. More definite was the President of the local Antiquarian and Archaeological Society, who stated: "The customary acre differed not only in different counties but sometimes in the same county. This difference seems to have been ruled by the number of feet reckoned to the rod or pole. . . Assuming

¹ A customary acre was the measure normally used, or "customary." It could be argued that if use of the statute acre were normal it was the local customary acre. In practice, the term is reserved for non-statute measures.

² Brief in Chancery; 12 Oct. 1769. County Record Office, Carlisle (C.R.O.): D/Ben/1276¹.

³ F. Grainger, 'Agriculture in Cumberland in Ancient Times', *Trans. Cumberland and Westmorland Antiquarian and Archaeological Society*, n.s., ix, 1909, p. 124.

⁴ For specific statement see G. G. Elliott, 'The Enclosure of Aspatria', *ibid.*, ix, 1960, p. 98n.

⁵ Lord Leconfield v. C. H. Joliffe: in the High Court of Justice, Chancery Division; 1, 2, and 3 June 1904. Transcript of shorthand notes, C.R.O. D/Lec/315.

the fact, of which there is no doubt, that a rod or perch in length was reckoned at 7 yards, the inference is that the customary acre in Cumberland contained 7,840 yards."¹

An acre consists of 4 roods of 40 square rods, poles, or perches,² so the length of the rod, pole, or perch used determines the size of the acre. The statute acre uses a rod of $5\frac{1}{2}$ yards, giving an acre of 4,840 square yards. Customary acres, as stated, were based on rods of other lengths;³ as short as 5 yards in Hampshire, and as long as $8\frac{1}{2}$ yards in Lancashire.⁴ The witness was overconfident, however, in asserting that the 7-yard rod was the only one used in Cumberland. Further evidence was provided giving other lengths: table I is based on these and other figures.⁵ Thus the

TABLE I
THE SIZE OF CUSTOMARY ACRES IN CUMBERLAND

<i>Length of rod in yards</i>	<i>Size of acre in square yards*</i>	<i>Size of acre in statute acres*</i>
6	5,760	1.19
$6\frac{2}{3}$	7,111	1.47
7	7,840	1.62
$7\frac{1}{9}$	8,091	1.67

*Figures rounded off where necessary.

Cumbrian customary acre was from one-fifth to two-thirds larger than the statute acre, a long way short of being three times the size. This makes a considerable difference to any calculation based on customary measure: for example, the identification of a sixteenth-century common arable field of 345 acres at Wasdale Head

¹ C.R.O. D/Lec/315: evidence of William Little of Penrith, Agent and Steward to Lord Lonsdale; of William Dickinson of Thorncroft, Workington; of Rev. Canon Simpson, D.D., of Kirkby Stephen.

² Not invariably: one witness at the Leconfield v. Joliffe trial noted that "In Bedfordshire an acre sometimes consists of 2 roods. . . In Dorsetshire the acre contains sometimes 184 and sometimes 180 perches. . . In Lincolnshire it contains 5 rods. . . In Sussex the customary acre is most variable—acres being found containing 107, 110, 120, 130, and even 212 perches. . . In Worcestershire it is sometimes 134 and sometimes 141 perches."—C.R.O. D/Lec/315: Mr Stewart Moore's report. Acres of 3 and of 5 roods were used in places in the 1801 Crop Returns: see H. C. K. Henderson, 'Agriculture in England and Wales in 1801', *Geographical Journal*, cxviii, 1952, p. 341n.

³ This paper makes no attempt to examine the *origin* of customary acres. They may well have arisen from local variations in the amount that could be ploughed in a day (see R. A. Butlin, 'Some Terms used in Agrarian History', *Agric. Hist. Rev.*, ix, 1961, pp. 101–2) but were later consciously tied to the length of rod used. For a detailed examination of the origins of this measure see F. Seebohm, *Customary Acres and their Historical Importance*, 1914.

⁴ Both from E. H. Smith, 'Lancashire Long Measure', *Trans. Historic Society of Lancashire and Cheshire*, cx, 1958, pp. 5–6. For a variety of others see R. E. Zupko, *A Dictionary of English Weights and Measures*, Madison, 1968, pp. 3–5.

⁵ Kirklington Enclosure, 1735, C.R.O. D/Ha/2/18; Plan of Nether Common, Nicholforest, 1761, C.R.O. D/MBS/1/29 (6-yard rod). Plan of Haile Hall Estate, 1739, C.R.O. D/Lec/315; Survey of Wastes at Egremont, 1750, C.R.O. D/Lec (6 $\frac{2}{3}$ yard rod). Enclosure Agreement, Cardew, 1579, C.R.O. D/Lons; Survey of St Bees, Whitehaven and Moresby, 1707, C.R.O. D/Lons; Survey of Part of the Commons in Egremont, undated, C.R.O. D/Lec/315 (7-yard rod). Survey of Part of Drigg, 1756, C.R.O. D/Lec/315; Account of Lands at Gatesgarth, undated, C.R.O. D/Lec/315 ($7\frac{1}{3}$ yard rod). There may have been other rods in addition to these in use.

was based on finding 115 acres listed in the Percy Survey and multiplying by three.¹ This figure, repeated in a recent regional study of the Lake District,² is almost certainly too large: use of the multipliers in table 1 suggests an equivalent of between 137 and 192 statute acres. Extended over a wide area such differences become serious.

A further problem is that the use of the customary acre may not have been invariable, even in early periods. Among those consulted in the 1904 Aspatria court case were the stewards to Lord Carlisle who commented: "We have never heard of a Cumberland Customary Acre, nor can we find any record thereof in the manorial books."³ This may have been the result of careless searching, but it is possible that the statute acre alone had been used on that estate for centuries. In such a case 100 acres would mean 100 acres; not 119, 147, 162, or 167 acres. Moreover, many surveys were not the result of a careful measurement of the land. Methods were primitive and tedious; to save time and money many acreages were described as being "by estimation" and represented the surveyor's guess at the size of the field. Elsewhere, some areas were given "by repute": the compiler of the survey simply asked each farmer or his neighbours how big a particular field was reckoned to be locally.⁴

There are thus several difficulties involved in using surveys in which the basis for the measurement of the acre is not given. First, even if the most common local rod-lengths are known there is rarely any good reason for choosing one of them in preference to the others.⁵ Second, it is not always possible to tell if the land has been measured or if the acreage was the result of guesswork or hearsay. Third, it cannot be assumed that each settlement always used the same acre: in Cumberland, Egremont Waste was surveyed at 6½ and 7 yards to the rod at different times,⁶ and similar variations occurred in Lancashire.⁷ Fourth, it cannot even be assumed that a single measure was used throughout one survey: a sixteenth-century surveyor of the large Dacre estate used statute measure in Yorkshire but the 7-yard rod in north Lancashire.⁸ There is a suggestion that in Westmorland the size of the acre was varied deliberately, using the larger measure for poorer land, "and there was good reason for this, inasmuch that they proportioned the military duty according to the number of acres that a man possessed."⁹ In view of these difficulties great care must be taken in using pre-nineteenth century acreages. The average size of fields or

¹ G. G. Elliott, 'The System of Cultivation and Evidence of Enclosure in the Cumberland Open Fields in the 16th century', *Trans. Cumberland and Westmorland Antiquarian and Archaeological Society*, n.s., LIX, 1959, p. 89.

² R. Millward and A. Robinson, *The Lake District*, 1970, p. 180.

³ C.R.O. D/Lec/315: evidence of Messrs Carrick and Lee, Brampton.

⁴ Such estimates may not have been based on disinterested accuracy. Of the 1801 Crop Returns a Wiltshire rector commented, "Farmers seem very unwilling to give a true account, being very apprehensive their crops are to be heavily taxed."—Henderson, *op. cit.*, p. 341.

⁵ This problem is worse the more rods there are to choose from: Lancashire had rods of 6, 6½, 6¾, 7, 7½, 7¾, 7⅞, 8, 8½, and 8¾ yards.—Smith, *op. cit.*, pp. 7–10.

⁶ C.R.O. D/Lec/315. ⁷ Smith, *op. cit.*, pp. 9–10.

⁸ A. Harris, 'A Note on Common Fields in North Lancashire', *Trans. Historic Society of Lancashire and Cheshire*, CXX, 1967, pp. 225–6.

⁹ G. Atkinson, *Worthies of Westmorland*, I, 1849. Cited in C.R.O. D/Lec/315.

farms in various districts cannot easily be compared as the differences may be lessened or exaggerated by differences in the size of the acres used. Attempts to measure the growth and decline of common arable fields are similarly handicapped. General statements applied to large areas may also be affected: H. L. Gray wrote that in Cumberland "the arable fields were seldom 300 acres in extent, and often not above 50 or 100 acres."¹ Gray, however, treated all acres as statute and thus underestimated the size of fields in Cumberland by as much as 50 per cent.²

No simple solution can be offered to this problem: each survey must be examined individually in an attempt to establish the basis of the measurement used. Comparison with maps, where sufficiently early and sufficiently accurate maps exist, is a simple way of checking survey acreages. Where the size of acre cannot be determined this uncertainty must be acknowledged, and any quantitative statements or statistical calculations modified accordingly. Two assumptions can be made to help simplify matters a little. One is that a change of measures is unlikely during any one survey of any one township (though not impossible, as implied by the Westmorland quote, above). Thus the proportional distribution of holdings may be ascertained even if the total area is not precisely known. The other is that the different measures will tend to average out over several surveys of a wide area. In Cumberland, for example, a single field listed as 100 acres may have been anything from 100 to 167 statute acres in extent. A hundred such fields from several surveys would probably have totalled close to 14,000 acres, with a fairly small margin of error.³

There is much evidence that the use of customary acres, rather than statute acres, as a basis for land measurement was widespread. It is to be hoped that more studies will be carried out of the various local equivalents of this measure, and of the frequency of occurrence of each. Agricultural historians, especially those wishing to make quantitative statements, should be fully aware of the indeterminate nature of the customary acre.

¹ H. L. Gray. *English Field Systems*, Harvard, 1915, p. 231.

² Though aware of Seebohm's work, Gray makes no allowance in any area for possible variations in acre size, save for a brief mention of a Cornish acre (p. 264.)

³ Such approximations can be made more accurate if something is known of the relative frequency of the use of each measure.