

Rental Policy on the Estates of the English Peerage 1649–60*

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Abstract

This article is based on the estate papers of four English peers during the mid-seventeenth century – those of the Marquis of Hertford, and the Earls of Bridgwater, Dorset, and Northumberland. It seeks to impress the importance of the striking improvement in rental return on these estates during the years immediately following the English Civil Wars. It is submitted that the key to this improvement lay both in policies of rack-renting and also, and perhaps most importantly, in the concentration upon altering the nature of tenancies, from copyhold to leasehold. This concentration coincided with certain important developments in the English laws of property.

THE purpose of this essay is to assess the attempts made by the English peerage to improve rental income from their estates between the years 1649–1660. It will concentrate particularly on the estates of four English peers – the Marquis of Hertford, and the Earls of Bridgwater, Dorset, and Northumberland. In doing so, the essay will unavoidably enter a long-standing debate on both the condition of aristocratic estates in the mid-seventeenth century, and also on the condition of tenancies and rental policy in the early modern period.¹ In the years following the Civil War, landowners were not only faced with long-term inflationary problems, but also with the more immediate effects of the hostilities. By 1649 the

English peerage was experiencing considerable economic difficulties. It has been suggested that the Civil Wars 'constituted the most serious crisis faced by large landowners in the sixteenth and seventeenth century'.² Indebtedness, though not uniform, was all too common. Both the Duke of Newcastle and the Marquis of Worcester claimed to have lost more than £900,000.³ The three senior Howard Earls were all heavily in debt. Suffolk claimed a debt of £132,060, Arundel hid at home, owing an alleged £124,448, and Berkshire remained incarcerated in the Upper Bench throughout the Commonwealth, owing £34,260.⁴ The Sackville estates were in a particularly desperate condition. In 1650, the 4th Earl of Dorset wrote to the Earl of Middlesex, lamenting that 'itt hath pleased the Divine Providence to lay his hand heavy on mee (w^{ch} I acknowledge my sinns iustly deserve) by making mee less able in my worldly fortune by 40 thousand pounds, then I was when the match between y^r sister and my sonn was

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¹ See particularly Habakkuk's essays, 'English Land-ownership 1660–1740', *Econ Hist Rev*, x, 1940, pp 2–17; 'Landowners and the English Civil War', *Econ Hist Rev* 2nd ser 1965, pp 130–150; 'The Rise and Fall of English Landed Families', *TRHS*, 5th ser 2 xxix, 1979, pp 187–207; and 'The Long Term Rate of Interest and the Price of Land in the 17th Century', *Econ Hist Rev*, 2nd ser v, 1952, pp 26–45. See also L Stone, *The Crisis of the Aristocracy 1558–1641*, Oxford, 1965, particularly pp 273–334; F M L Thompson, 'The Social Distribution of Property in England since the Sixteenth Century', *Econ Hist Rev*, 2nd ser xix, 1966, pp 505–517; E Kerridge, 'The Movement of Rent 1540–1640', *Econ Hist Rev*, 2nd ser VII 1953, pp 18–26, and J R Wordie, 'Rent Movements and the English Tenant Farmer, 1700–1839', *Research in Economic History*, 6, 1981, pp 193–243.

² B Coward, *The Stanleys, Lords Stanley and Earls of Derby 1385–1672*, Manchester, 1983, p 63.

³ See G Trease, *Portrait of a Cavalier*, 1979, p 187, and H Dircks, *The Life, Times and Scientific Labours of the 2nd Marquis of Worcester*, 1865, p 238.

⁴ PRO, SP 23/215/557–9; SP 23/62/543; and 589–90; British Library, Thomason Tract, E 213 (8); and H Causton, *The Howard Papers*, 1862, pp 506–7, 518.

consummated' [1641].⁵ Seven years later, the 5th Earl wrote to his cousin Lady Northampton thanking her for her forbearance in levying jointure rents. She was 'a restorer of this poor family, which, Madame, truly without such noble care, must needs, in a few years, come to its last years, with continual wasting and losses of the estate.'⁶ The Earl of Northampton's estates had fared little better. In two 'Particulars' submitted to the Commissioners for Compounding, in 1647 and 1650, the Earl reported an inherited debt of £30,000, to which could be added losses during the hostilities of over £50,000.⁷ The same Commissioners were prepared to accept that all but £3650 pa of the Marquis of Hertford's combined incomes of around £28,000 p.a. was encumbered.⁸ The financial difficulties encountered by these peers, however, paled in comparison with those faced by the 2nd Earl of Bridgwater upon his inheritance in 1649: in December 1649 these debts stood at £51,700.⁹

As a means of facilitating estate reconstruction, the peerage, like other landowners in the mid-seventeenth century, were faced with three options of varying desirability: alienation by sale; alienation by mortgage; and improvement of rental return. The sale of property was certainly the least desirable, and to a certain extent precluded by the nature of the strict settlement.¹⁰ It is clear, from an examination of the estate papers of the four peers under consideration, that sales were only entered into with extreme reluctance. The particularly desperate condition of the Egerton

estates forced the 2nd Earl to make some sales, chiefly to possessory mortgagees, in the three years immediately following his inheritance, 1649–1652. 1652 appears to have been a watershed year in the Earl's fiscal policy; a year in which he discharged over £14,700 of debt. After 1652, with the Egerton estates at least partially restructured, there is no evidence of any further sales.¹¹ The Marquis of Hertford made two substantial sales, Merrivale farm in 1647 and Blackfriars House in 1648, but thereafter there is no evidence of further sales.¹² Similarly, the Earl of Northumberland sold property valued at over £12,000 in Yorkshire between 1647–1650, but with the exception of the sale of his Goodwood estate in Sussex in 1656, for £2400, there appear to have been no further sales of Percy estates during the 1650s.¹³ Only the Earl of Dorset was forced to continue selling property, through trustees for settlements and sales throughout the 1650s. A list of the Sackville estates, drawn up in 1660, reveals a handful of sales during the previous decade, including the large estates at Awkridge and Eltham.¹⁴

The second alternative, the mortgaging and re-mortgaging of estates, was clearly more popular. Most obviously it did not require the immediate and permanent alienation of property, and the destruction of the strict settlement which such an alienation would have entailed. Moreover the increasing willingness of the courts of Chancery to permit the redemption of mortgages after the date of foreclosure, allowed mortgagors to mortgage property, through settlement and debt trustees, to mortgagees without fear of permanent

⁵ Kent Archive Office, (hereafter, KAO) Sackville MSS, U 269, C 248 unfol. letter dated 1650.

⁶ Castle Ashby MSS, 1084 fol 21.

⁷ Castle Ashby MSS, 1083 fol 41.

⁸ PRO, SP 23/191/598; 600; 607; 611; 615; 758; and 797; SP 23/3/258; SP 23/4/36; and SP 23/198/1; 2 and 8; and Longleat, Seymour MSS, Box 5 nos 102–113.

⁹ Hertfordshire RO, (hereafter, HRO) Ashridge MSS 1013. See 1015 and 1016 for other assessments, totalling a debt at around £56,000.

¹⁰ See I Ward, 'Settlements, Mortgages and Aristocratic Estates 1649–1660', *Journal of Legal History*, 12, 1, 1991, pp 20–35.

¹¹ Huntington Library, (hereafter, HL) San Marino, Ellesmere MSS, 8012, 8026, 8027, 8033–5, 8131, 8214, 8236, a, g and h, 8270 g–k, 8282; and PRO C 54/3569/11, 54/3616/41 and 134, 54/3625/3 54/3647/52 and Ward, 'Settlements', pp 24–27.

¹² Longleat, Seymour MSS, Box 5 nos 58–69.

¹³ BL. micro 365 and 366; Alnwick Castle Archives, Percy MSS, Cl 3a accounts of 1647, 1650 and 1656.

¹⁴ KAO, Sackville MSS, U 269, F3 book 3.

alienation.¹⁵ The Earl of Bridgwater's lawyers strongly suggested that a policy of remortgaging should be the keystone of the Egerton estate policy. Bridgwater took his lawyers' advice. A 1653 account reveals that £4200 of a total income of £4989 was to be applied to 'detts secured on the land'. The accounted debt for that year was £18,625, of which £15,220 was secured by mortgages.¹⁶ The Earls of Dorset, Northampton, and Northumberland appear to have shared the confidence in the suitability and security of mortgages. Dorset was prepared to use his Easington estate to secure a £6000 debt owed to Lord Rockingham, whilst Northampton repeatedly used his Cannonbury estate as security for mortgages. The Earl of Northumberland's confidence was such that he was prepared to use his mansion at Petworth as security for £10,000 borrowed from Sir Theodore Mayerne.¹⁷

The success of a policy of mortgaging, as opposed to the less desirable option of permanent alienation, largely depended upon the ability of landowning peers to meet capital and interest repayments. As long as they could do so, Chancery would protect them against common law foreclosure.¹⁸ Much then depended upon the ability to implement the third policy, rental improvement. It has already been established that landowners had striven for rental improvement during the century before the Civil War, as a means of countering the effects of inflation. Indeed it has been suggested that estates survived so effectively during these periods of inflation precisely because of a mobile policy of rental improvement.¹⁹ Of

course, in 1649, the problem was not simply one of effecting improvement. Dislocation of rentals during the war years was perhaps inevitable. It has been estimated that Lord Saye's rental income in Oxfordshire was cut by at least fifty per cent.²⁰ The Earl of Salisbury's Wiltshire tenants were still requesting abatements in 1649.²¹ Following the war, peers, like all landowners, had to both resuscitate their rental income, and improve it. A detailed study of the Earl of Pembroke's estates has suggested that rents on his Wiltshire estates recovered with some rapidity, and that the returns for the 1650s were at least as good as those for the 1630s, the decade in which Pembroke had forced a policy of rent 'improvement'. This 'improvement' was generated by 'increased entry fines', although, there is also some evidence of a complementary transfer of tenancies from copyholds to leaseholds.²²

Copyholders enjoyed long leases at low rents, and it was for the landowner to try to realize the full value of the tenancy by larger arbitrary fines. However as the seventeenth century progressed, it has been suggested that many landowners had reached the conclusion that arbitrary fines were not enough, and that tenancies had to be transferred to leaseholds, with shorter leases and lower fines, but with much higher rents, which could better reflect the true value of the land. The enforced transference from copy to leaseholds appears to have become increasingly widespread as a means of rental improvement. Lawrence Stone has suggested that both methods were already in use on estates in the years before the war; that the Earl of Southampton had transferred tenancies in the 1620s, and that the Earl of Salisbury had done likewise in the 1630s, whilst

¹⁵ Ward, 'Settlements', pp 28-29.

¹⁶ HL, Ellesmere MSS, 8275, and HRO, Ashridge MSS, 1025, 1026 and 1028.

¹⁷ For the mortgages of Cannonbury see Castle Ashby MSS 734. For Easington see Sackville MSS U 269 F 3 fol 6. For the use of Petworth see W Sussex RO, Petworth House Archives, Percy MSS 621.

¹⁸ Ward, 'Settlements', 28-29.

¹⁹ See A Simpson, *The Wealth of the Gentry: 1540-1660*, Cambridge, 1961, particularly pp 179-180, 199-201 and 210.

²⁰ According to Gardiner, *History of the Great Civil War*, 1893, III, p 196.

²¹ HMC 9th Report, 22, Salisbury MSS, pp 418-419.

²² See E Kerridge, 'The Movement of Rent 1540-1640', *Econ Hist Rev*, 2nd ser VI, 1953, 18 and 24-26.

peers such as the Earls of Bath and Berkshire, and Lord Petre, rack-rented in estates further to the west.²³ Christopher Clay has made a similar observation, and noted that the popularity of a purely fine-based income diminished as the seventeenth century progressed.²⁴ Examination of the estates of four peers – the Marquis of Hertford, and the Earls of Bridgwater, Dorset, and Northumberland – reveals that this determination to force a full value from their estates was expressed with especial vigour during the 1650s. The decade was clearly a critical one for the improving and restructuring of rental policies, and the pervasive tendency appears to have been to enforce widespread transfers from copyholds to leaseholds.

I

The August 1653 revenue account for the Earl of Bridgwater's estates includes an 'estimate' of revenue, together with the actual revenue received 'ffor my lords owne proper use'.²⁵ The total receipt was £4989 2s 10d, and the estimate was £6230. In 1653 therefore, Bridgwater was receiving 80 per cent of his total potential income. The deficiency in rental receipt was far from uniform. In the 'estimate', Ashridge was accounted with £1500, Mold with £220, Tatton with £220, and Worsley with £350. The receipt, using a slightly different estate demarcation, revealed that Ashridge yielded £1450; Ellesmere £990; Worsley £350; Mold £220; and Brackley-Halse £843. Whitchurch, Worsley, Mold and Brackley-Halse appear to have been barely in arrears. Yet Ellesmere was producing only 66 per cent of its potential yield. The high

rent returns in Whitchurch can be traced back to 1650 when it again yielded £1450.²⁶ The low Ellesmere yield had only reached £1002 as late as 1656, and by 1662 had only recovered to £1036.²⁷ The 1655 total for Middle actually dropped, from £206 to £195.²⁸ The chief variant was clearly geographical, and except for rack-renting in some of the estates in the middle of the decade, returns varied but little within each unit, from one six-month period to another.

There is no doubting Bridgwater's determination to improve both potential and actual yield, or the improvement in yield between the 1653 receipt of £4989, and the 1661 receipt of £6250.²⁹ Given the 1662 total of £7166, and there is no evidence of excessive sales or borrowing in 1661–2, the total was 87 per cent of a yield which even in 1662 may not have been a maximum. It is an improvement of 7 per cent on the yield potential in 1653.³⁰ Actual yield was the immediate problem in 1650, and its 20 per cent loss was exacerbated by rent arrears. John Elliot, steward in Northamptonshire, visited a Mr. Onely 'to demaund the rent [and] arrears due from him to my lord.' The sum was only 4s 4d p.a., but it had not been paid for '13 or 14 years'.³¹ The accounts for Kings Sutton, in Northamptonshire, were submitted in 1654 for the previous three years. The chief rents were £11 5s 10d p.a., of which £2 19s 10d 'cannot be gathered'. After various expences, 'the bayliffe [Elliot] is out of purse yearly over [and] about his charge on this account £3 17s 3d.' Elliot added optimistically, 'besides of his paynes [and] expenses in demanding [and] receiv-

²³ See L Stone, *The Crisis of the Aristocracy 1558–1641*, Oxford, 1965, 303–310 and 321.

²⁴ C Clay, 'Lifeleasehold in the Western Counties of England 1650–1750', *Ag Hist Rev*, 29, 2, 1981, 83–96.

²⁵ HRO, Ashridge MSS, 1027.

²⁶ See C Hamilton, 'The Bridgwater Debts', *Huntington Library Quarterly*, 42, 1978, p 225.

²⁷ HRO, Ashridge MSS, 1026, subscript on MS.

²⁸ HRO, Ashridge MSS, 1026.

²⁹ An improvement of over 20 per cent, HRO, Ashridge MSS, 1026 and 1066.

³⁰ HRO, Ashridge MSS, 1026, 1065 and 1066.

³¹ Northamptonshire Record Society (hereafter, NRO), Ellesmere Brackley MSS, 606.

ing yearly the chiefe rents, which is left to consideration.³² An accompanying 1653 Kings Sutton account revealed that, of £11 5s 10d, £2 19s 10d 'Rents following were never received'.³³

The 1653 account suggests that the Northamptonshire yield was relatively good, but arrears appear to have been worse in the north-west midlands and north Wales. In February 1651, George Hope despaired of ever receiving Cowsylt arrears. His accompanying account revealed a multitude of tenants' excuses; Edward Parry, owing the considerable sum of £44 15s, could not pay until he received sub-rents; Richard Parry, owing £5 10s was 'very poore'; Robert Griffith, owing £5 16s 10d was 'extreame poore'; Richard Griffith, owing £5 4s simply 'sayes he is unable'; whilst John ap Griffith, owing 'old' rents of £13 5s 4d simply 'denies he is any behind'.³⁴ As late as 1656, John Day emphasised the lingering poverty in Cheshire and Shropshire, exacerbated by decimation tax.³⁵ Rentals in Cholmston, he reported, were in severe arrears, and a rent charge of £170 p.a. was £540 in arrears.³⁶ It is impossible to ascertain how much of the arrears Bridgwater's agents were able to recover. In December 1649, the auditors had noted 'Rents and arrearages ... are said to bee of great value, but never like to be halfe gotten up, by reason of taxes, free quarter, decay of tenants'.³⁷ In September 1657 Day reported that one tenant had finally produced 'ould arrearages ... beinge 6^l 2^s', whilst another had promised to produce his.³⁸ Yet, six months later other Shropshire rents under James Haughton's charge were in 'great arrears'. Haughton's employment was terminated soon afterwards, and Bridgwater

expressed extreme dissatisfaction at the efforts of many of his stewards.³⁹

The Earl's dissatisfaction was probably exacerbated by the limited success of his initiative to 'improve' rent receipt in some of his estates around the middle of the decade. Many of the Cholmston leases fell due for renewal on Lady Day 1656. Bridgwater demanded a 55 per cent increase from £192 15s 10d to £301 5s 4d.⁴⁰ Many of the tenants immediately petitioned for a renewal of their leases at old terms. Elizabeth Bettley claimed, 'The demands beinge soe greate [and] extreame and soe farr above the valuacon that to hold it upon those termes, she was never able to pay the Rente, nor to have any comfortable subsistaunce for herselfe and poore children'.⁴¹ In November 1656, Day reported a meeting with the tenants, where he had 'made y^e demaunds and ... taken theire severall Offers'. Day's letter revealed his own doubts about the wisdom of rack-renting in Cholmston, commenting, 'I doe acknowledge my Offers are shorte of the demaunds w^{ch} I conceive are farr more than it can yield unto the lands beinge overvalued both in quantitie and qualitic'.⁴² Bridgwater reviewed his demands, reducing the figure to £277 11s 8d, but Day's correspondence revealed the continued intransigence of the tenantry.⁴³ When the Earl's disapproval was made plain, Day responded, 'if some of the Ten^{ts} offers doe not give content doe not blame mee, I cannot help y^t'.⁴⁴ In the end Bridgwater was forced to retreat further and settle for a 26 per cent improvement, and the offered receipt of £243 7s.⁴⁵ Even this was encumbered. In November 1657, Day reported that many

³² NRO, Ellesmere Brackley MSS, 318.

³³ NRO, Ellesmere Brackley MSS, 319.

³⁴ HL, Ellesmere MSS, 8032.

³⁵ HL, Ellesmere MSS, 8210 (7).

³⁶ HL, Ellesmere MSS, 8059.

³⁷ HL, Ellesmere MSS, 8275.

³⁸ HL, Ellesmere MSS, 8065.

³⁹ HRO, Ashridge MSS, 1041 and 1042.

⁴⁰ HL, Ellesmere MSS, 8202-8204.

⁴¹ HL, Ellesmere MSS, 8210 (2). For the complaints of other tenants see 8210 (1, 3, 4, 5 and 7).

⁴² HL, Ellesmere MSS, 8210 (7).

⁴³ HL, Ellesmere MSS, 8276.

⁴⁴ HL, Ellesmere MSS, 8120 (8).

⁴⁵ HL, Ellesmere MSS, 8205 and 8206.

tenants demanded a concession, 'to plowe some p^{te} of those lands they hould by reason of theire late improv^t, or otherwise some of them must looke to take lands in other places.⁴⁶ Bridgwater was not prepared to risk depopulation of his tenancies, and agreed, demanding 'treble rent if the[y] plowed'.⁴⁷

It is difficult to be sure whether the 1656 initiative was widespread in the Eger-ton estates. Much depended on the timing of leases. The Whitchurch returns reveal an increase from £1450 in 1650 and 1653, to £1800 in 1662. The 24 per cent increase on what was virtually a maximum yield, is strikingly similar to the Cholmston figure. But in Ellesmere rental receipt only improved by 5 per cent. Whether or not an improvement was pressed by increased entry fines is left to conjecture. In contrast, the Tatton return almost doubled.⁴⁸ The only consistent trend in the figures is that Bridgwater appears to have improved annual rents in the estates where yield was already approaching a maximum potential. The Earl's policy in the Northamptonshire estates appears to have been slightly different. There was virtually no change in the annual rental yield on the Brackley-Halse estates between 1653 and 1662.⁴⁹ Correspondence with his stewards suggest that Bridgwater was far from content with the return, and the stewards negotiated with tenants whose terms were not already 'improved'.⁵⁰ Moreover with thirteen leases renewed in 1655, worth £600 of the £840 p.a. total estate receipt, Bridgwater certainly had the opportunity to improve. These leases are clearly leasehold and not copyhold. The entry fines for 1655-6 were high, totalling £4161, approximately seven years' value. Clearly Bridgwater took the opportunity to force

an increase in entry fines.⁵¹ The Kings Sutton and Worsley fines were also improved during the 1650s. In Kings Sutton receipts nearly doubled between 1653 and 1662.⁵² Whilst in Worsley the 1662 receipt was £600, £250 more than the 1653 estimate.⁵³ The 1662 figure does not appear to have been inflated by fines, and so these two estates must have been transferred to leasehold sometime since 1653.

II

The administration of the Sackville estates had all but collapsed during the 1640s. In 1654 a Sussex steward reported long-term dislocation, having tried to collect arrears which had built up in the early 1650s. The Hartfield rents had been stayed in the tenants' hands for many years, and those of Tarring Peveril, where the manorial court had ceased to sit and administer, were 'of late ... behind and none appointed to gather them in'.⁵⁴ Another steward reported dislocation in Bexhill in 1653.⁵⁵ Imberhorne rentals, due to Sackville College, were reported to be in arrears.⁵⁶ Charles Agard, steward of the Croxhall estate in Derbyshire, reported similar difficulties after the Michaelmas 1654 levy.⁵⁷ The Earl's problems were compounded when trustees for debt seized jointure rents in Herefordshire and Worcestershire. The Earl wrote bitterly to his steward and accused him of discouraging tenants from paying rents.⁵⁸ Difficulties in collecting rents and arrears continued throughout the decade. In late 1654, Agard requested Dorset to be patient and wait until the following spring, 'which will do the poore Tenants a favor'.⁵⁹ There

⁴⁶ HL, Ellesmere MSS, 8068.

⁴⁷ HL, Ellesmere MSS, 8069.

⁴⁸ HRO, Ashridge MSS, 1025-7, 1035 and 1038.

⁴⁹ HRO, Ashridge MSS, 1025 and 1065.

⁵⁰ NRO, Ellesmere Brackley MSS, 609.

⁵¹ NRO, Ellesmere Brackley MSS, 431-443.

⁵² NRO, Ellesmere Brackley MSS, 319 and 320.

⁵³ HRO, Ashridge MSS, 1027 and 1065.

⁵⁴ Kent Archives Office, Sackville MSS, U 269 C 57 fol 1.

⁵⁵ KAO, Sackville MSS, U 269 C 59 fol 1.

⁵⁶ KAO, Sackville MSS, U 269 C 54 fol 1.

⁵⁷ KAO, Sackville MSS, U 269 C 63 fol 2.

⁵⁸ KAO, Sackville MSS, U 269 C 68 fol 1 and C 71 fol 3.

⁵⁹ KAO, Sackville MSS, U 269 C 63 fol 4.

were arrears following the Lady Day levy in 1655 and Agard was still struggling to get in rents after the Michaelmas levy.⁶⁰ In September 1656, he wrote apologizing for the delay in sending rents levied, but 'cruelly tormented with this desimation' and afflicted by these 'poore harvests', adding 'never was money so hard to be got, for uppon my knowledg severall of the tenants have soald part of their cowse ... and part of their Oxon.'⁶¹ As late as June 1660 Agard wrote, 'I hope, now god has sent us a kinge againe he will send us better times, for never was money so hard to be gott together among poore Tenants'.⁶² Sussex rents were also reported to be in arrears in 1657, and tenants 'would not pay ther rent with out the howses may be repaired'.⁶³ The Imberhorne rents were still in arrears, and the stewards reported that barely half of the rental had been levied in June 1656.⁶⁴ In 1657 Lady Dorset informed her husband, hiding from his creditors abroad, 'I have not yet received your rents ... when all this halfe yeares rent comes together it will not pay what you left me to pay'.⁶⁵

The stewards' reports can be verified by the various rental accounts for the Sussex and Derbyshire estates, given in Table 1.

The Derbyshire estates, which should have yielded £378 each six months from 1647-1655, never produced more than £334 which, perhaps surprisingly, was in Michaelmas 1648. During the early 1650s the returns, coinciding with poor harvests, were very low, ranging from £306 to £321.⁶⁶ By Michaelmas 1655 the receipt had only risen to £331. The major constituent of the Derbyshire estates was

TABLE 1
Rental Accounts for the Sackville Estates in
Sussex and Derbyshire 1648-60*

Period	Croxhall	Derbyshire	Sussex
L 1648	—	304	—
M 1648	—	344	—
L 1649	—	322	—
M 1649	226	335	—
L 1650	271	306	—
M 1650	234	316	—
L 1651	243	—	—
M 1651	188	—	—
L 1652	230	316	—
M 1652	230	327	—
L 1653	71	321	298
M 1653	189	317	422
L 1654	245	310	265
M 1654	201	314	151
L 1655	114	—	240
M 1655	401	331	485
L 1656	384	—	417
M 1656	394	—	492
L 1657	1202 all rents including arrears		—
M 1657	339	—	595
L 1658	200 (part)	—	366
M 1658	510 (inc. arrears from L 1658)	—	530
L 1659	313	—	534
M 1659	256 (part)	406	535
L 1660	—	435	—

* L - Lady Day M - Michaelmas. The figures are taken from KAO Sackville MSS U 269 A 4 fols 1-3 and A 156.

Croxhall, for which the accounts suggest a similar deficiency. There is no figure for potential yield, but between 1649 and Michaelmas 1655, when there is clearly a change in leasing, the receipt varies between £188 and £271. The majority of receipts range between £226 and £245. The Sussex accounts do not begin until Lady Day 1653, and the Lady Day 1655 account includes £400 arrears for rents not levied until 1653, which supports the stewards' reports of poor administrative order. Miscellaneous rental arrears for Sussex reveal £12 due in Michaelmas 1652 and a further £37 due in Michaelmas 1653.⁶⁷ The returns for 1653 to Lady Day 1655 fluctuate considerably, although three of the five returns were between

⁶⁰ KAO, Sackville MSS, U 269 C 63 fols 7 and 14.

⁶¹ KAO, Sackville MSS, U 269 C 63 fol 19.

⁶² KAO, Sackville MSS, U 269 C 63 fol 22.

⁶³ KAO, Sackville MSS, U 269 C 76 fol 3/2.

⁶⁴ KAO, Sackville MSS, U 269 C 54 fol 2.

⁶⁵ KAO, Sackville MSS, U 269 C 12 fol 4.

⁶⁶ For the poor harvests see W G Hoskins, 'Harvest Fluctuations and English Economic History 1620-1759', *Ag Hist Rev*, 16, 1968, p 16.

⁶⁷ KAO, Sackville MSS, U 269 F 3 fol 4.

£246 and £298. After Michaelmas 1655, the returns are more consistent and with the exception of a low figure for Lady Day 1656, probably caused by the decimation tax, they are concentrated in the range, £485 to £535.

The annual rental returns for both the Derbyshire and Sussex estates increase sharply after Michaelmas 1655. The consistency of the rack-rent would further suggest that the improvement was not made purely by brutal arbitrary entry fines.⁶⁸ The annual rental return for Sussex is improved by an average of 58 per cent, whilst the less consistent Croxhall accounts suggest an improvement of 62 per cent. The more abbreviated figures for Derbyshire, including Alrewas, suggest an increase of 75 per cent. Clearly many leases, on both the Sussex and Derbyshire estates were due for renewal in 1655-6. The Imberhorne leases certainly were, and in late 1654 a Bexhill tenant had anxiously requested the renewal of his lease at the old rate.⁶⁹ In March 1655, the Earl of Northampton had written to Dorset whilst he was abroad, warning that Lady Dorset should take advantage of the opportunity, and ought 'not to have businesses at six [and] sevens, by having those lands and tenants now falling at will, but to let her understand that no benefit accrues to her [and] that prejudice will ensue to you by having long terms at undervalues uppon the estate [and] that y^e onely desire is to have all things set at good rates, then that her L^{ty} may order the terme as shee pleaseth'.⁷⁰

It would appear that Lady Dorset took the advice. The re-leased Imberhorne tenancies were restricted to just ten years.⁷¹ A list of Tarring Peveril tenancies, taken after the re-leasing of the estate in 1656,

further suggests that tenants were forced to take leaseholds. Only three of the thirty-three tenancies were still held on copies.⁷² There is no evidence of how the tenants reacted to Dorset's rental policy. Certainly the Croxhall steward, Agard, had his doubts, reporting in late 1654, 'I assure you my lord the land is sett at such deare rates yt poore men have a hard taske to gett money redy, and then returnes are as unredy, but I have altered some of the Tenants, or rather they are tyred out, and I have gott some other yt I hope will be more punctuall'.⁷³ A January 1655 report from a steward at Easington similarly expressed reservations about the wisdom of presenting the new leases to the tenants.⁷⁴ Despite these reservations, Dorset like Bridgwater was clearly determined to force the transfer. By erasing arrears, releasing and improving tenancies, Dorset's estates in 1658 were yielding 63 per cent more than the 1652-3 receipt; the accounting year following his inheritance.

III

The 1649 rental account for the Seymour estates in Somerset, covering thirteen manors, accounted £698 received in rents, £2985 received in fines, and £1297 received in past arrears, but £1378 due in arrears on the present account.⁷⁵ It underlines two characteristics which pervade the Seymour estates during the years 1649-60; severe arrears and a fine based rental income. It would appear that the Somerset estates were, in effect, operating one levy behind. The 1646 levy had been very poor, and between 1647-50, the stewards seemed to collect previous arrears, roughly equal to arrears on the present account.⁷⁶ Arrears were not restricted to Somerset.

⁶⁸ It cannot be explained by any retrieval of estates. The entire Derbyshire estates appear to have remained in the Earl's control throughout the 1640s and 1650s.

⁶⁹ KAO, Sackville MSS, U 269 C 59 fol 2 and M 32.

⁷⁰ KAO, Sackville MSS, U 269 C 86 fol 1.

⁷¹ KAO, Sackville MSS, U 269 M 32.

⁷² KAO, Sackville MSS, U 269 M 58.

⁷³ KAO, Sackville MSS, U 269 C 63 fol 2.

⁷⁴ KAO, Sackville MSS, U 269 C 71 fol 3.

⁷⁵ Longleat, Seymour MSS, Box 16 no 66.

⁷⁶ See Longleat, Seymour MSS, Box 5 nos 102-113 for the steady-ing of rents in Somerset between 1647 and 1650.

A miscellaneous account noted £643 arrears in the smaller Wiltshire estates between 1650-54, and the Finch estates in Kent were £890 in arrears in 1652.⁷⁷

The continuing problem of arrears is evidenced by correspondence from various stewards. A Somerset steward reported that rents were slow and in arrears following the Lady Day 1652 levy. In October 1654 the steward at Castle Cary, where arrears had been £200 in 1649, reported similar problems.⁷⁸ In May 1653 William Sherborne reported from Herefordshire that Lady Day payments would be late; 'but one Tenant hath any peny in the manour of Lyonhall, not one peny yet out of Bodeyhome, very little from Webley and out of Pembridge'.⁷⁹ In October 1654 Beardesley, steward of the Staffordshire estates, reported that rents were certain to be in arrears.⁸⁰ Three weeks later, Beardesley wrote again, reporting, 'but Rents never were paid so slackly', and that some tenants refused to pay until they had been admitted to new copies.⁸¹ In November 1654 the steward at Ross reported that none of the rents were 'ready' and that, 'many of the tenants have begged respite until that faier [St Andrews Day fair at Ross] ... As I was coming homewards I mett with the ffarmers of Haughwood att ffawnehope consulting together how to gett in money to discharge their yeares rent, but they gave me small encouragement to expect it suddenly'.⁸² The Ross levy for Lady Day 1655 was similarly poor. One steward promised to forward money as soon as possible, and 'did give us an account of what he had received for this half yeare (which was but little in comparison of

what was due)'.⁸³ The Irish estates at Ballygart and Carrick were also in arrears, and it was suggested that leases should be renewed on old terms.⁸⁴ In December 1658, the Marquis's receiver, Amos Walrond, visited the Yorkshire estate 'w^{ch} is much out of order' and in a March 1659 letter, Walrond noted that there were still arrears from the 1658 levies.⁸⁵ As late as March 1660 the Castle Cary steward reported that there was 'much money in arreares'.⁸⁶

The problems of arrears and levies in the Staffordshire estates were exacerbated by the long-running dispute with the tenants of Drayton. In June 1654 Beardesley reported the unanimous opposition of the Drayton tenants to the Marquis's proposal to transfer copyholds to leaseholds. One tenant, Prettie, according to Beardesley, should not be allowed to renew his tenancy, for 'he is a proud fellow [and] one that anymates the tennants as I feare to question those ancyent rights belonging to the mannor and not to take any estates but by coppie of court'.⁸⁷ The following Michaelmas, Beardesley reported, 'in stedd of paying rents there was divers of your tenants come to require to be admitted tenants [and] to have new estates by Coppies'. Some had agreed to yearly rent 'but the[y] only tendered old rente, [and] clayme new estates.' Beardesley told them that none would be admitted to new copies.⁸⁸ In August 1655, Gape informed Lady Hertford of a legal success against her 'most undutiful tenants of Drayton'. But rather than 'acquiesce to this their late great (and not to be repaired) overthrow ... their full intentions are otherwise designed, beinge forwarded therein by the pestilent incouragemts of some avaricious lawyers ... and some envi-

⁷⁷ Longleat, Seymour MSS, Box 5 nos 85 and 87. Hertford administered the Finch estates of the Earl of Winchelsea following his marriage to Lady Mary Seymour.

⁷⁸ Longleat, Seymour MSS, vol 8 fols 16 and 34, and Box 16 no 66.

⁷⁹ Longleat, Seymour MSS, vol 7 fol 33.

⁸⁰ Longleat, Seymour MSS, vol 7 fol 45.

⁸¹ Longleat, Seymour MSS, vol 7 fol 48.

⁸² Longleat, Seymour MSS, vol 7 fol 50.

⁸³ Longleat, Seymour MSS, vol 7 fol 60.

⁸⁴ Longleat, Seymour MSS, vol 7 fol 77 and 97, and Box 3 no 123.

⁸⁵ Longleat, Seymour MSS, vol 7 fols 120 and 124.

⁸⁶ Longleat, Seymour MSS, vol 8 fol 45.

⁸⁷ Longleat, Seymour MSS, vol 7 fol 42.

⁸⁸ Longleat, Seymour MSS, vol 7 fol 48.

ous neighbours'.⁸⁹ In November 1655, having met with the leader of the tenants, Beardesley was able to finally report, 'now he will submitt [and] the others in like manner'. The tenants could no longer afford the costs of a suit.⁹⁰ However, a month later Walrond reported seeking Bridgman's advice, following the decisions of the 'rebellious Tennants' to get 'a Reference to 6 gentlemen of Staffordshire to decide Y^e busines betweene your Honour and them.' But Sir Orlando Bridgman, Walrond added reassuringly, 'is well plead'd wth this procedure of them, and says it portends good, and that experience has taught him, in his own particular that it will signifie noe thing but a Courtship to their misfortune'.⁹¹ In December 1658 Walrond reported that all Drayton tenancies had been satisfactorily re-leased, and in March 1659 certified that Beardesley's returns for the estate were adequate.⁹² Drayton was not the only estate where Hertford tried to force an improvement, or where he encountered opposition. One of his Ballygart tenants sought recourse at law in an attempt to retain 'old rent'.⁹³ In 1656 a Yorkshire steward informed Lady Hertford of an 'improvement' of £20 on each of five leases. But as to the 'designe' of improvement, the steward commented that the Marquis 'promises himsele much future profit, of which I dare not be so confident'. It is quite possible that this 'designe' referred to a transfer to leaseholds.⁹⁴ In April 1655, Bridgman informed the Marquis that he could not 'improve' rents in Essex until December.⁹⁵ The Seymour estates in Wiltshire had been repeatedly rack-rented in the 1630s and 1640s, but unlike the Staffordshire estate,

they remained essentially copyhold tenancies yielding a fine-based income. A 1672 survey of Wiltshire, Somerset and Hampshire estates revealed that there were 526 tenancies, of which 398 were held on copy, 77 were free, and only 51 were held on leasehold. In 1647 the Somerset estates had produced £3725 in fines, and in 1649 this figure was £2985. However, in the Michaelmas levies of 1659 and 1660 the Somerset fine receipts were £1527 and £1457 respectively.⁹⁶ This suggests that at least some of the limited transfers to leaseholds on the Somerset estates may have been made during the 1650s. The picture on the Seymour estates is then one of an improvement generated by both transfer of tenancies together with the more conventional rack-renting.

IV

The accounts of the Earl of Northumberland's estates provide the most comprehensive series of rental receipts. The total receipt for the northern estates between 1649 and 1660 is strikingly consistent, and given in Table 2.

The variance between the lowest return in 1651 and the highest in 1649 is only 20 per cent; once the number of sales receded after 1652, the variance is only 9 per cent. Figures for the years following the Restoration further suggest that the northern estates were producing a near maximum yield during the 1650s. In 1670, for example, the total receipt of £11,285 was an increase of only 4 per cent on the 1660 figure. The figures for rental receipt alone are equally strong. The high 1658 rental receipt includes all income except fines. Otherwise there are two distinct series of returns. For the years 1649–53 the returns range between £6309 and £6802. Whilst for the years 1654–60 the average increases

⁸⁹ Longleat, Seymour MSS, vol 7 fol 64.

⁹⁰ Longleat, Seymour MSS, vol 7 fol 66.

⁹¹ Longleat, Seymour MSS, vol 7 fol 68.

⁹² Longleat, Seymour MSS, vol 7 fols 122 and 155.

⁹³ Longleat, Seymour MSS, vol 7 fols 77 and 97, and Box 3 no 123.

⁹⁴ Longleat, Seymour MSS, vol 7 fol 73.

⁹⁵ Longleat, Seymour MSS, vol 7 fol 58.

⁹⁶ Longleat, Seymour MSS, Box 5 nos 44–53, and 227–90, and Box 16 no 66.

TABLE 2
Receipts from the Northern Estates of the
Percies, 1649-60*

Year	total receipt			rental receipt		
	£	s	d	£	s	d
1649	11,164	7	8	6802	14	9
1650	10,909	1	6	6309	11	9
1651	8965	4	6	6423	9	9
1652	9553	18	8	6781	3	4
1653	10,426	7	11 1/2	6638	18	4 1/2
1654	10,042	18	5	7794	19	0
1655	9828	15	2	no rental receipts		
1656	9806	9	10	8013	19	7
1657	10,157	2	6	8789	13	11
1658	10,738	16	11	10,026	4	8
1659	9105	10	3	8221	5	8
1660	10,799	6	0	8739	10	4

* Figures taken from BL micro. 366 Alnwick Castle Archives (hereafter, ACA), Percy MSS CI 3a accounts of 1649-60.

by 21 per cent, and ranges from £7794 to £10,026.

The figures for fines and rents during the 1650s reveal the individual rental policies in each of the three northern estates: Cumberland, Northumberland and Yorkshire and appear below in Table 3. The smallest of the accounting units, Cumberland, produced around 5-8 per cent of the rental receipt, where fine

receipts remained reasonably consistent, varying just 30 per cent between the lowest figure and the highest. For seven of the eleven years the variation was only 10 per cent. Rents are similarly consistent, but in two sets: apart from an inexplicably low 1650 return, the figures for 1649-54 range between just £500 and £545; but the figures for 1655-59, are on average of 24 per cent higher. The consistency of fines indicates neither alteration in the terms of the tenancy, nor significant repopulation of tenancies, so it can be concluded that the Earl forced an improvement by rack-renting alone.

The Yorkshire accounts are characterized by the sudden drop in fine income from 1654 to the end of the decade, accompanied by an equally striking increase of rents from 1655 to 1659. Fines dropped by an average of 70 per cent in this second period whilst rentals increased by a fifth. In monetary terms though, the loss of an average £165 p.a. in fines was more than compensated by an average increase in rents of £865 p.a. The suggestion that Northumberland improved the receipt by transferring copyholds to leaseholds is enhanced by the figures for the

TABLE 3
Income from Rents and Fines on the Percy Estates in Cumberland, Northumberland, and Yorkshire, 1649-59*

	Cumberland		Northumberland		Yorkshire	
	Rentals £	Fines £	Rentals £	Fines £	Rentals £	Fines £
1649	545	304	1025	—	3501	—
1650	447	276	2389	858	3473	—
1651	500	252	2465	99	3457	—
1652	532	230	2628	172	3620	532
1653	537	270	2545	227	3556	565
1654	655	268	2972	276	3760	140
1655	862	207	3727	634	4699	192
1656	655	303	3074	459	4284	120
1657	686	339	3893	556	4401	291
1658	733	271	3447	306	4838	135
1659	652	283	3068	222	4500	149

* BL, micro. 366, ACA, Percy MSS, CI 3a 1649-1660 accounts.

TABLE 4
Receipts from the Seven Yorkshire Manors, 1646-60*

Manor	1645 £	1654 £	1656 £	1657 £	1659 £	1660 £
Cotton	8	202	368	466	368	384
Kildale	—	94	194	192	293	188
Leconfield	208	439	903	1007	1000	943
Tadcaster	—	78	260	191	304	303
Topcliffe	148	283	841	943	962	451
Spofforth	125	205	570	557	568	552
Wressal	73	401	1011	1018	1019	962
Total receipts	3456	3760	4284	4401	4500	3837

* Sources: As for Table 3.

individual Yorkshire manors, given above.

The returns for each estate improve between the 1654 and 1656 receipts, and in some the improvement was dramatic. The Topcliffe returns virtually doubled from £148 in 1646 to £283 in 1654, and then improved by a further 310 per cent during the years 1656-9, when the average receipt is £915. In Spofforth the 1654 receipt of £205 improved to an average of £562 between 1656-60. The two most productive manors were Leconfield and Wressal. The Leconfield return improved from £439 in 1654 to an average of £963 for the years 1656-60; receipts from Wressal rose from £401 in 1654 to an average of £1002 for the years 1656-60. In two estates, Kildale and Tadcaster, the improvement took place later in the decade, around 1659, increasing by 34 and 37 per cent respectively.

The figures for the Northumberland estates are the least clear. Rental figures seem to oscillate quite unpredictably. The lowest return was £2025 in 1649, and the highest was £3727 in 1655, but by 1659, the return had receded to £3068. No return between 1649-54 exceeded £2972, and none after 1654 fell below £3074. There was an improvement, but in comparison with the other Percy estates, the rental returns are wholly inconsistent, as are the fine returns. Estate correspondence

suggests that the Earl attempted to improve rental returns by both altering tenancies and by increasing rents. In June 1648 one Earsden tenant petitioned for the renewal of his copyhold. He petitioned again in 1654, 'to have his coppie according to the custome of the said Manno', and as of right he ought to have'.⁹⁷ In April 1657, the receiver for the northern estates reported that the Tynemouth tenants had 'late made divisions of their Copyhold tenem^{ts} notwithstandinge expresse direccion to the contrary', whilst 'severall of them presste for copies'.⁹⁸ The letter coincided with an increase in Tynemouth rentals, from £581 in 1656 to £695 in 1657, and even more dramatically, to £1006 in 1658; an improvement of 31 per cent.⁹⁹

Books of contracts and lease-fines in Northumberland provide some intermittent evidence. Thirty-three contracts and fines were made in 1646; eighteen in 1647; three in 1648; twenty-three in 1650; eleven in 1651; and two in 1652. In 1655 there were ninety-eight contracts plus 129 renewal fines, and in 1656 there were ninety-eight contracts and fines combined. In 1657 this figure had declined to forty-

⁹⁷ BL micro. 386; ACA, Percy MSS, RX 11 and 3b.

⁹⁸ BL micro. 388; ACA, Percy MSS, 3m.

⁹⁹ BL micro. 366; ACA, Percy MSS, 3a accounts for 1656 and 1657.

nine.¹⁰⁰ Clearly 1655 was a year of major contracting and re-leasing. Moreover, the arithmetic progression 1646-1649-1652-1655 suggests a series of short-term three-year leases for fifty-seven per cent of the contracts which in turn suggests a prevalence of copies before 1655. The figures for the years after 1655 seem to be uniformly higher than those for the years preceding, and the prevalence of re-leasing in 1655-56 coincides neatly with the increase in rent returns. The actual lists of contracts have to be treated with care. The overwhelming majority of entries in the 1646 list are for contracts at the 'same rent', or with small increases of £1-2. The 1649 book reveals reasonably uniform increases of 15-19 per cent in rent, but virtually no fine increases. A handful of fines are reduced and there are just three substantial rent increases. The 1655 and 1657 books are also dominated by renewals for the 'same rent', together with numerous entries for 'double rent'; a legal mechanism for levying an exit fine.

The consistency of return in the northern estates throughout the decade implies that arrears were minimal. Where arrears levied are included in the account, an exponential decline is clear. In Yorkshire arrears were £568 in 1649, £499 in 1650, £117 in 1651, £188 in 1652, and £12 in 1653. The trend in Northumberland is similar, with £309 arrears levied in 1649, £40 in 1651, £269 in 1653, and £109 in 1654. There are only occasional entries in the following years.¹⁰¹ The strength of the receipt is further evidenced by correspondence. In Spring 1657, the northern receiver, Potter, was able to report that 'rents in this county [Northumberland] are thus farr very well paid and I hope to take such course as there shall not be many arrears'. In the same letter he reported that the Yorkshire steward had assured

him that the Yorkshire 'rents wilbe well paid'.¹⁰²

The accounts for the Sussex estates are not comprehensive. The 1649 and 1661 statements of receipt list £2619 for 1649 and £2321 for 1661.¹⁰³ It is clear that much of the Sussex estate had been transferred to freehold before 1646. Separate receipts in each of 1646, 1649, and 1650 suggest that Petworth yielded £34, Sutton £68-98, and Duncton £6, for copyhold rents. Yet Petworth returned between £800-£935 in all, Sutton £68-98 and Duncton £195-£222.¹⁰⁴ A Chancery action brought by Petworth copyholders to preserve their tenancy rights, in 1659, suggests that Northumberland was trying to force a transfer to leaseholds.¹⁰⁵ The Sussex receipts which were included in the northern accounts reveal that the 1654 yield was £1854; the 1655 yield was £2106; the 1656 yield was £2421; and the 1658 yield was £2780.¹⁰⁶ There is a clear rise, but given the 1661 receipt of £2321, it would be unwise to seek to draw too many conclusions from what is only a handful of accounts.

V

The general picture on the Earl of Northumberland's estates, as well as those of the Marquis of Hertford, and the Earls of Bridgwater and Dorset, appears then to be reasonably clear. The most striking conclusion to be drawn from these four estate studies is the determination of all four peers to both rack-rent and improve rentals, and to do so around the middle

¹⁰⁰ BL micro. 381; ACA, Percy MSS, LII 1.

¹⁰¹ BL micro. 366; ACA, CI 3a.

¹⁰² BL micro. 388; ACA, PII 3m.

¹⁰³ W Sussex Record Office (hereafter, WSRO), Petworth House Archives, Percy MSS 621.

¹⁰⁴ Of course there would have been more copyholders per pound than leaseholders, but not that many. Lord Leconfield lists 163 copyholders in Petworth, but unfortunately does not refer to the number of others, see *Petworth Manor in the Seventeenth Century*, 1954, p 5.

¹⁰⁵ WSRO, Petworth House Archives, Percy MSS, 6368.

¹⁰⁶ BL, micro. 366; ACA, Percy MSS, CI 3a 1654-6 and 1658 accounts.

of the decade. Bridgwater, Dorset, and Northumberland all improved rentals around 1654-6, and furthermore, they did so by around 20-25 per cent. Whilst Hertford may have been content to realize his improvement chiefly by increased fines, the other three peers appear to have concentrated on transferring their estates from copy to leasehold. Of course there are cautionary factors. Rental accounts can be a treacherous source.¹⁰⁷ Clearly much of the force of the argument would be lost if there had been substantial changes in the estate units themselves. But there is no evidence of this. It has already been noted that sales of property were limited, and most importantly that units mortgaged and remortgaged appear to have remained unchanged. Thus, as any sales that did take place tended to be sales of mortgage units made to mortgagors, it is unlikely that there were any substantial changes within estate units.¹⁰⁸ Similarly, if there had been serious alterations in the conditions of tenancies, then the impact of change in types might have been affected. But again, with the exception of one or two leases on the Egerton estates, there is no evidence of this. And once again, there is no real reason to expect any alterations. Clay noted that there was 'little change' in the condition of the various copy and leasehold tenancies in the west of England during this period.¹⁰⁹

Both Wordie, in his study of the Leveson-Gower estates, and Hopkins, in his study of the Ellesmere estates before the Civil War, noted that the rental policies themselves would often change from one estate administration to another.¹¹⁰ It is notable that inheritances on both the Eger-

ton and Sackville estates during this period were accompanied by alterations in rental policy. Whether or not these changes would have come about, regardless of the effects of the Civil War is a subject for speculation. But it is suggested that they probably would. Hopkins concluded that by 1650 the existing fine-based system on the Ellesmere estates had become unstable and untenable.¹¹¹ The evidence in this study, for the years 1649-60, clearly supports that conclusion, and suggests that the Earl of Bridgwater's administrators were only too aware of the problems, and consciously chose to administer the final rites to fine-based rental income. A fine-based system had always provided a more random income. In Clay's words, 'the random chances of life and death ensured that fluctuations would sometimes be enormous'.¹¹² The long-term pressures of high inflation had increasingly strained estates based on arbitrary fines, and by the end of the sixteenth century, landlords were continually looking for increasingly novel means of improvement.¹¹³

The pervasive seventeenth-century trend away from fining and towards rack-renting and then transfers of copy to leasehold, was simply concentrated by the particular pressures of the 1640s and 1650s. As Clay's study of tenancies in the western counties suggests, in such periods of economic pressure, the first concession that landlords would make would be to waive fines. In such times as the late 1640s the tenantry was quite simply very often unable to pay high fines.¹¹⁴ The fact that a transference to leasehold offered the landlord a more stable and regular income was clearly the prime impulse for change. The pressures of the 1640s merely underlined the importance of restructuring rental policy on individual estates. It has

¹⁰⁷ See Wordie, 'Rent Movements' esp., pp 193-202.

¹⁰⁸ This is the same conclusion that was reached by Wordie in his study of the Leveson-Gower estates, see 'Rent Movements', pp 195-196.

¹⁰⁹ See Clay, 'Lifeleasehold' *England*, p 93.

¹¹⁰ See Wordie, 'Rent Movements', p 194, and E Hopkins, 'The Releasing of the Ellesmere Estates 1637-1642', *Ag Hist Rev*, 10, 1962, pp 16, 26.

¹¹¹ Hopkins, 'Ellesmere Estates', esp. pp 26-8.

¹¹² Clay 'Lifeleasehold', p 85.

¹¹³ See Simpson, *The Wealth of the Gentry*, 179-80 and 199-201.

¹¹⁴ Clay, 'Lifeleasehold', p. 91.

been suggested that, in practice, the immediate effects of the transference, upon both landlord and tenant, were not that great. The terms of the lease usually varied only a little, if at all.¹¹⁵ But the regularity, realized in the increased overall return of around 24 per cent which can be detected in the four case studies, would have provided sufficient motivation to enforce renewals on leasehold terms.

There is some evidence of tenants' disquiet at the transference of copies into leases, most obviously in the Seymour papers. But this may have been as much an instinctive reaction to change, as a calculated response to the long-term repercussions. However the transference of copies to leasehold represented a still broader trend in the social and economic relations of landlord and tenant. In the same way as the enclosure of common could be seen as a dismembering of the manorial custom, so too could the abolition of the copyhold system in the manor. It is not surprising that landowners such as the Earl of Bridgwater were enclosing common at the same time, and indeed prior to the switching of the bases of their rental policy.¹¹⁶ Throughout the 1650s, Bridgwater received reports from anxious stewards that tenants were 'incroaching' upon common around Brackley, Syresham, and Crowfield.¹¹⁷ The Earl of Northampton was beset by a particularly bitter and arduous dispute with his Yardley Hastings tenants throughout the 1650s, with regard to the attempted enclosure of the common.¹¹⁸ One of the Earl of Northum-

berland's stewards reported, in early 1657, that Tynemouth tenants had re-entered recently enclosed common.¹¹⁹ The changes in rental policy suggested by these four estate studies, were then merely a part of an important and much wider trend in social, agricultural and also legal history; the trend away from custom and towards contract.¹²⁰ Already established as economically untenable, copyholds, tied to the custom of the manor, had become equally undesirable at law. According to Simpson, copyholds had become a matter of 'inconvenience' for all the parties concerned.¹²¹ They were certainly cumbersome. But, as Baker has observed, if anything, the copyhold benefited the tenant, because the common law would enforce custom, and bring equity to it.¹²² On the other hand, a leasehold created contractual obligations, and, as the age of freedom of contract dawned, these obligations offered far greater benefit to the landlord as contractor, than the often ancient and restrictive custom of the copyhold.¹²³ The idea of the copyhold belonged to an age past. By 1649 the copyhold tenancy was economically, socially, and legally untenable, and with their minds concentrated by the particular economic and social pressures of the 1650s, the landowning peerage of England clearly had no compunction in laying it to rest.

¹¹⁹ BL micro. 388; ACA, Percy MSS 3m.

¹²⁰ Clay, 'Lifeleasehold', 91 and 94.

¹²¹ A W B Simpson, *A History of the Land Law*, Oxford, 1986, 170-171.

¹²² J H Baker, *An Introduction to English Legal History*, 1990, 348-350. See also C M Gray, *Copyhold, Equity and the Common Law*, Harvard, 1963.

¹²³ For the classic exposition of the theory of the rise and fall of freedom of contract, see P S Atiyah, *The Rise and Fall of Freedom of Contract*, Oxford, 1979.

¹¹⁵ Clay, 'Lifeleasehold', p. 91.

¹¹⁶ See Hopkins, 'Ellesmere Estates', p. 15.

¹¹⁷ NRO, Ellesmere Brackley MSS, 307, 483, 607 and 647.

¹¹⁸ Castle Ashby MSS 1084 fol 18/1.