

*'Pays réel or pays légal'? Contrasting patterns of land tenure and social structure in eastern Norfolk and western Berkshire, 1450–1600**

by Jane Whittle and Margaret Yates

Abstract

Combining detailed studies of two contrasting regions, eastern Norfolk and western Berkshire, this article examines regional differences in land tenure and social structure in the period 1450–1600. Comparing manorial records with tax returns and probate records, it questions whether the patterns of landholding in the two regions were really as different as the manorial records alone would suggest. The use of non-manorial records also allows the relationship between manorial administration, land tenure, the land market, and social structure to be explored in some detail, touching on issues such as the cost of customary land, engrossment, sub-tenures and landlessness.

Customary land tenure in medieval and early modern England is infuriatingly complex. The countryside was a mosaic of manorial units, and each manor had its own customs determining types of tenure and access to land. The contrasts between manors has been a central theme of the economic history of rural England in the medieval period. Research has compared manors in different localities held by the same manorial lord, and manors of the same locality held by different lords.¹ Regional difference is also a familiar theme, in particular the contrast between the strongly manorialised Midlands and 'non-manorialised' areas of East Anglia and Kent.² In the former the boundaries of manor and parish were often the same, impartible inheritance was overwhelmingly dominant, and standard sized customary landholdings – yardlands or virgates – were ubiquitous; in the latter the boundaries of manor and parish rarely coincided, partible inheritance was common, standard sized holdings were absent or fragmented, and

* We would like to thank Dr Richard M. Smith who supervised both the D.Phil. theses on which this article is based.

¹ Examples of the former include Barbara Harvey, *Westminster Abbey and its estates in the Middle Ages* (1977); Christopher Dyer, *Lords and peasants in a changing society. The estates of the bishopric of Worcester, 680–1540* (1980); J. Z. Titow, 'Some differences between manors and their effects on the condition of the peasant in the thirteenth century', *AgHR* 10 (1962), pp. 1–13. Examples of the latter include the studies in P. D. A. Harvey (ed.), *The peasant land market in medieval*

England (1984); Mark Bailey, *A marginal economy? East Anglian Breckland in the later middle ages* (1989) and the regional chapters in E. Miller (ed.), *The Agrarian History of England and Wales*, III, 1348–1500 (1991).

² 'Non-manorialised' is M. M. Postan's term, see *The medieval economy and society* (1972), p. 97. It is truer to say that these areas of East Anglia and Kent were fully manorialised, but the manors had looser structures than those in the Midlands.

freehold land was more plentiful.³ Only recently, however, have detailed studies of manors in these contrasting regions been compared. Differences in population density and the tenant land market have emerged as important themes, with East Anglia displaying the more active market and higher densities.⁴ This article adds to the comparative literature by examining two sets of manors in these contrasting regions, with eastern Norfolk representing 'East Anglia', and western Berkshire 'the Midlands'. It combines the work of two researchers, each specialising in a different region but using similar research methods.⁵

Yet, this study aims to go further than comparing the manorial tenures of two regions. It also addresses a conundrum first raised by M. M. Postan in 'The charters of villeins', written as an introduction to the published edition of Peterborough Abbey's *Carte Nativorum*. In discovering the *Carte Nativorum*, a record of thirteenth-century land transfers that included purchases by the abbey's unfree tenants, Postan came into contact with the active and flexible land market in free and villein lands characteristic of much of medieval eastern England. Rather than concluding that this was a regional peculiarity Postan added a twist to the argument. He suggested the possibility that eastern England was a '*pays réel*', where weaker manorial structures allowed the nature of the tenant land market to be truthfully recorded, while Midland England was a '*pays légal*', where rigid manorial structures maintained standard sized landholdings and restricted sales of customary land. As a result the manorial documents of Midland England hid a large class of subtenants and an active market in short-term leases of land. The contrast was in the documentation and the manorial structure, but not in the nature of rural society. The social structure and the distribution of land among active agriculturalists in the two regions were broadly similar. In other words, the regional contrasts were a legal and documentary mirage.⁶

Postan's supposition raises a number of fundamental questions. Do manorial documents provide us with reliable evidence about the nature of social structure and access to land? Did the nature of land tenure – as determined by manorial customs – shape the nature of rural society? Or were manorial structures nothing more than an administrative convenience sitting above real patterns of rural life upon which they had little impact? The way these questions are answered has important implications for our understanding of the development of rural society and economy over time. If the documents overemphasize regional difference, they may also overemphasize change over time. Postan suggested that in contrasting the thirteenth century with the fifteenth century, 'much of what historians have reported as signs of social transformations may to some extent be an optical illusion: a mere change in the ability of our sources

³ See G. C. Homans, *English villagers of the thirteenth century* (New York, 1960), pp. 109–132, 204–206; E. A. Kosminsky, *Studies in the agrarian history of England in the thirteenth century* (1956), pp. 126–134; Rosamond Faith, *The English peasantry and the growth of lordship* (1997), p. 136.

⁴ Zvi Razi, 'The myth of the immutable English family', *Past and Present* 140 (1993), pp. 3–44. Jane Whittle, 'Individualism and the family-land bond. A reassessment of land transfer patterns among the English peasantry, c. 1270–1580', *Past and Present* 160 (1998), pp. 25–63.

⁵ Whilst this article incorporates additional research

to increase the comparability of our data, nevertheless it is based on J. Whittle, 'The development of agrarian capitalism in England from c. 1450–c. 1580' (unpublished D.Phil. thesis, University of Oxford, 1995) and M. Yates, 'Continuity and change in rural society, c. 1400–1600: West Hanney and Shaw (Berkshire) and their region' (unpublished D.Phil. thesis, University of Oxford, 1997).

⁶ 'The charters of villeins', first published in 1960 and reprinted in M. M. Postan, *Essays on medieval agriculture and general problems of the medieval economy* (1973), pp. 107–49. *Pays réel* and *pays légal* appear on p. 145.

to reflect the facts of life'.⁷ The study presented here restricts itself to the fifteenth and sixteenth centuries, but it is not without relevance to the earlier period. In addition to manorial records there are more, non-manorial, documents relating to rural social structure for the years 1450–1600 than earlier: probate records, the Military Survey and tax returns of the 1520s, and early parish registers provide information that is independent of manorial records. These sources allow us to consider the social distribution of wealth, to estimate population density and the numbers of landless as well as tenant density, and to say something about non-agricultural forms of employment: thus the *pays réel* becomes evident. If manorial customs determining tenure and land transfers had a strong impact on sixteenth century rural society then it seems extremely unlikely that this impact was any less strong in the thirteenth and early fourteenth century. However, if manorial custom had little influence, then we need to look elsewhere for explanations of local and regional difference in early modern England, and should remain open to the possibility that earlier medieval documents present a very partial picture of village life.⁸ The article begins with a brief introduction to the regions and manors studied, before moving on to examine tenurial structure, patterns of land transfer and the distribution of land between tenants, and finally social structure.

I

The area of west Berkshire considered in this paper is defined by the survival of the nominal returns of the 1381 Poll Tax and 1522 Military Survey (see Map 1). Its natural topography is divided by the Berkshire Downs into three distinctive regions; the Vale of the White Horse in the north, a flat, fertile alluvial plain; the Downs themselves which rise to 260 metres at White Horse Hill; and the varied terrain of the Kennet Valley. Of the three Berkshire manors examined here two, Priors Court and Seymours Court, were located in the parish of West Hanney in the Vale of the White Horse. West Hanney lies a mile from the major road leading from Oxford to Wantage and two and a half miles from the nearest town, Wantage. The local economy was almost completely dominated by mixed farming.⁹ The lands of the village were divided between three small manors and a Rectory. New College, Oxford, held the largest manor of Priors Court comprising 495 acres. The other manors were held by local gentry families: the Eystons of West Hendred held Seymours Court (309.4 acres) and the Yates of Lyford were lords of Andrews Court (467.5 acres), and finally the Rectory had 110 acres.¹⁰ These were not discreet lands but

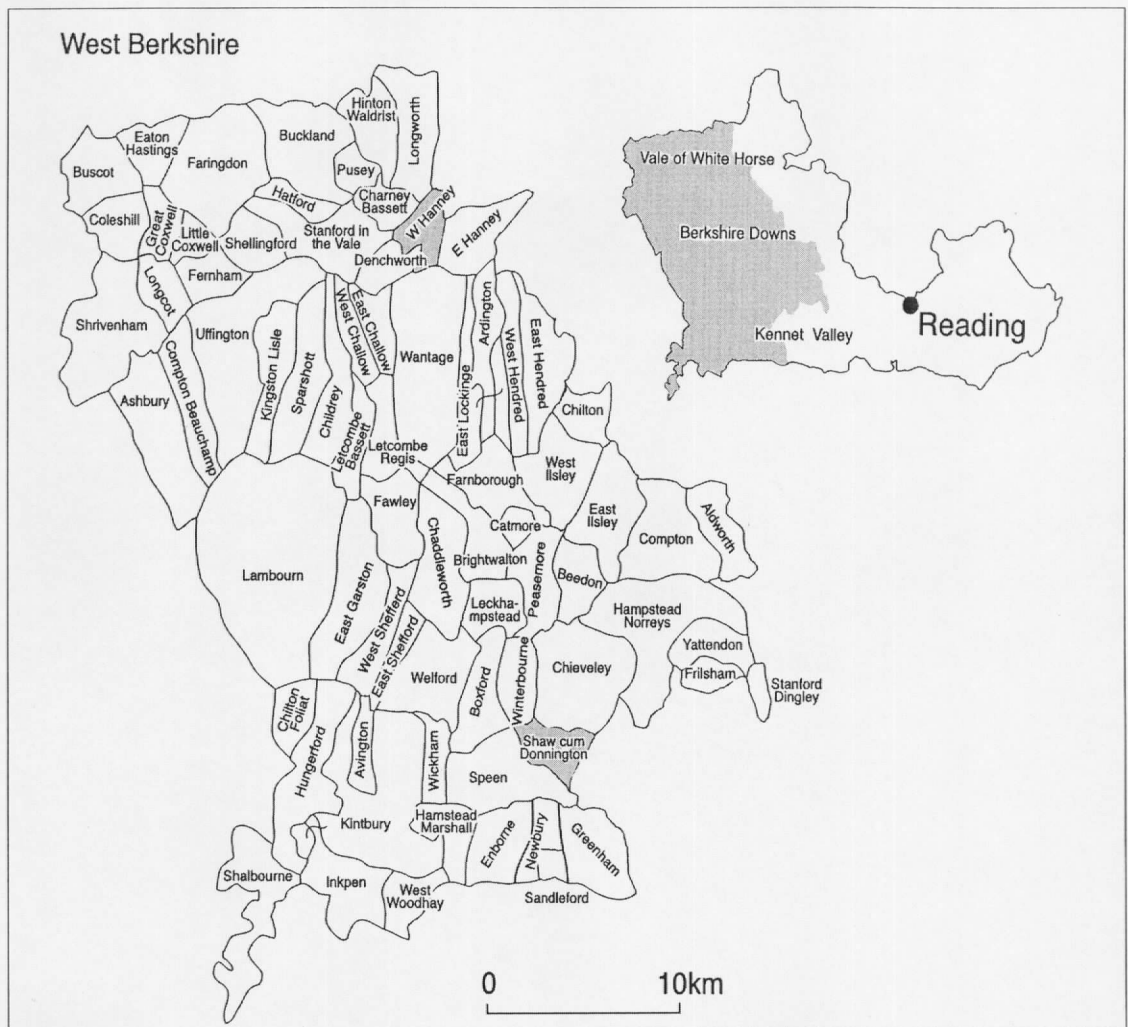
⁷ *Ibid.*, p. 145.

⁸ Comparative studies of early modern communities are surprisingly rare: the classic is Margaret Spufford, *Contrasting communities. English villagers in the sixteenth and seventeenth centuries* (1974). However, Spufford stresses different agricultural regimes rather than the effects of manorial structures. It should also be noted that the debate about 'open' and 'close' communities in the seventeenth to nineteenth centuries has many parallels with the issues discussed here.

⁹ The 45 surviving probate inventories from sixteenth century West Hanney show that 29.7 per cent of inven-

toried wealth was in crops and grain and 35.6 per cent in livestock. Alternative sources of income to farming were rarely mentioned. There were only three non-agricultural occupations: a miller, a blacksmith and a tailor. Berkshire RO [hereafter BRO], D/A1.

¹⁰ The relative size of the different manors was calculated by dividing the total acreage of the parish, 1383 acres (taken from *Victoria County History of Berkshire* [hereafter *VCH Berkshire*], II, p. 242), by the number of yardlands for each manor and the rectory. The number of yardlands were recorded in 1599 in the resolution of a dispute over pasture rights between the three manors



MAP 1. Berkshire, showing the parishes of 'west Berkshire'.

were intermingled in the open fields of the village.¹¹ Documentary survival is sufficiently strong to enable the manors of Priors Court and Seymours Court to be studied, illustrating the different management strategies of two landlords in a single village, one a corporate body and the other a local gentry family.

(New College Archive [hereafter NCA], 1360); they were Priors Court 18 yardlands, Seymours Court 11.25, Andrews Court 17, and the Rectory 4 yardlands. Yardlands were measurements of arable land with the other resources of the manor allocated proportionately, for example tenants could pasture 30 sheep for every yardland held. It is assumed that the total acreage of the parish was available to the manors in proportion to

the arable land of the yardlands.

¹¹ They are identifiable in the glebe terrier of 1634 and two detailed land transactions at Priors Court. In each case the acre strips were described by their situation in the various furlongs and the names of the occupants of the neighbouring strips were given. Glebe terrier, BRO, D/A2 c185, and NCA, 4060 (1502), 4061 (1525).

The third Berkshire manor, Shaw, lies within the parish of Shaw cum Donnington situated in the Kennet Valley within Newbury's rural hinterland. The town of Newbury was a prosperous and expanding centre of cloth production in the late fifteenth century.¹² The western boundary of the manor of Shaw was formed by the main road from Oxford to Winchester and its southern boundary by the River Lambourn which joined the Kennet to the east of the parish. It was a medium sized manor of 762.75 acres, held by Winchester College until 1543 when it was exchanged with the king and then sold to one of Newbury's successful clothiers, Thomas Dolman, in 1554.¹³ Shaw's geological structure was more varied than West Hanney's being a mixture of chalk, gravel and clay. The local economy was also more diversified: in addition to mixed farming, there was some specialisation in livestock rearing, but more significantly there were industries including milling, tanning and there is evidence of some out-work for the Newbury cloth industry.¹⁴

In comparison to west Berkshire, the manorial structure of eastern Norfolk was complex and fragmented. Parishes typically contained more than one manor, and manors stretched into a number of parishes. The material presented here derives largely from a detailed study of a single manor in north-east Norfolk, Hevingham Bishops, with comparative data drawn from seven other manors in the same locality (see Map 2). The locality was well situated to serve Norwich, eight miles south of Hevingham, while the North Sea coastal trade could be accessed either from Cromer 12 miles to the north, or via the river Bure to Great Yarmouth. Hevingham Bishops manor neighboured on Aylsham, a thriving small town with regular markets, and on Cawston, a smaller market centre. North-east Norfolk is a region of good quality loamy soils, although there are also areas of sandy heathland. Its gently rolling landscape provides few obstacles to agriculture. It was an area of mixed farming and advanced techniques.¹⁵ As with the area around Newbury in Berkshire, the cloth industry provided additional employment in some rural parishes. Of the communities studied, worsted weavers were found in Marsham, the main settlement in Hevingham Bishops manor, and in Buxton and Scottow.¹⁶

As well as dominating the parish of Marsham, Hevingham Bishops manor also extended into the parishes of Hevingham, Brampton, Buxton and Stratton Strawless. The other seven manors from which documents were examined include Hevingham Cattes, located mainly in the parish of Hevingham, and extending into the same parishes as Hevingham Bishops; and Buxton manor which also stretched into Marsham, Hevingham, Brampton and Stratton

¹² *VCH Berkshire*, IV, p. 138.

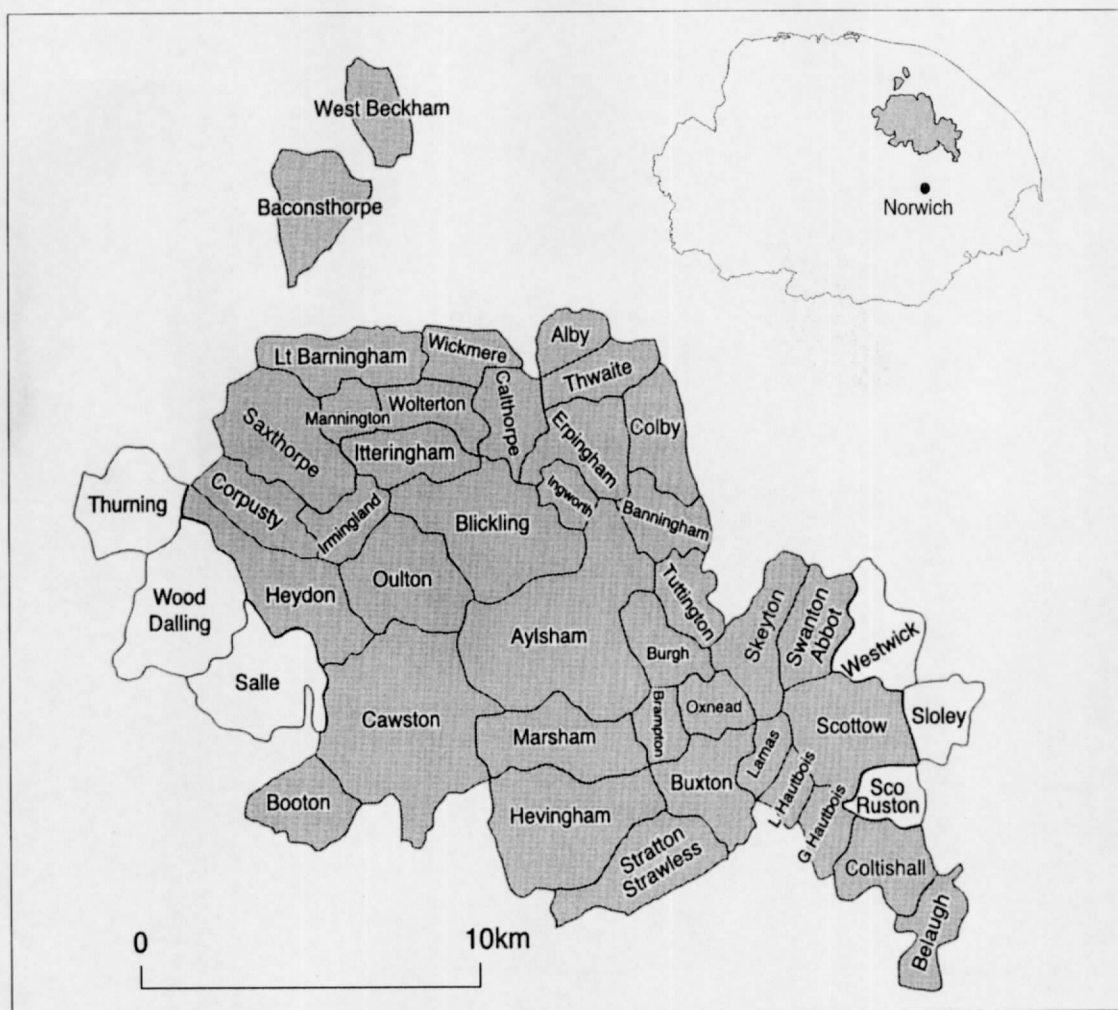
¹³ A detailed manorial survey survives for 1547 from which the acreages were calculated. PRO, LR2/187. The descent of the manor can be found in *VCH Berkshire*, IV, p. 89.

¹⁴ The 18 surviving probate inventories from sixteenth-century Shaw show 20.8 per cent of inventoried wealth was in crops and grain and 55.8 per cent in livestock. Details of the mills, including a tanning mill, are recorded in the ministers' accounts, BRO, D/ENm1 M12-55. The scale of the tanning operation is seen in the will of Maurice Smart, PRO, PROB 11/33/22 and inventory of Maurice Shipton, BRO, D/A1/ 213/77. A weaver and two cloth finishers left probate inventories, BRO,

D/A1/205/180, 173/30, 76/133.

¹⁵ Bruce M. S. Campbell and Mark Overton, 'A new perspective on medieval and early modern agriculture. Six centuries of Norfolk farming, c. 1250-c. 1850', *Past & Present* 141 (1993), pp. 38-105.

¹⁶ Of the documents studied, wills provide the most evidence of worsted weaving. See also Anne F. Sutton, 'The early linen and worsted industry of Norfolk and the evolution of the London Mercer's Company', *Norfolk Arch.* 40 (1989), pp. 201-25; K. J. Allison, 'The Norfolk worsted industry in the sixteenth and seventeenth centuries', *Yorkshire Bulletin of Economic and Social Research* 12 (1960), pp. 73-83.



MAP 2. Norfolk, showing the locality discussed in this study
(the parishes of South Erpingham Hundred are shaded).

Strawless. The situation in Hevingham and Marham was in some ways similar to that in West Hanney. The different manors' lands were intermingled in the fields. The relatively relaxed lordship of Hevingham Bishops, owned by the Bishop of Norwich until 1536, stands in contrast to Hevingham Cattes, which was owned by a small resident gentry family: first the Cattes and then jointly by the Thetfords and Yaxleys. Cattes manor had higher entry fines, and continued charging fines associated with personal serfdom to one family until the reign of Elizabeth.¹⁷ The complexity of manorial structure in Hevingham and Marham is repeated elsewhere in the locality. The manors of Saxthorpe Mickelhall and Saxthorpe Loundhall dominated the parishes of Saxthorpe and Corpusty, but also stretched into a minimum of eight other parishes. The

¹⁷ Norfolk RO [hereafter NRO], Norwich, NRS 14653 29D2: Hevingham Cattes court roll 1554–66, court held March 1562.

manor of Salle Kirkhall had separate juries for the villages of Wood Dalling, Thurning and Oulton as well as Salle, and also extended into the parish of Heydon. Scottow manor had separate juries for Westwick, Sloley and Sco Ruston in addition to Scottow. Blickling manor was more consolidated, encompassing the majority of Blickling parish but also parts of Itteringham and Wolterton. Manorial ownership in this region of Norfolk was dominated by three locally resident families of the county gentry, the Boleyns, Heydons and Pastons.¹⁸

II

The fragmented manorial structure of eastern Norfolk was mirrored in the distribution of land amongst the tenants. There were no standard sized customary landholdings such as the virgates or yardlands of Midland England. Land area was measured in acres. However, all the manors studied did conform to the classic pattern of dividing land into demesne, freehold and customary tenures. No single document records the size of Hevingham Bishops manor, but rentals and an extent from the sixteenth century indicate that there were 566 acres of customary land and around 40 acres of freehold.¹⁹ Sixty acres of demesne arable were split up and granted permanently in small pieces to various tenants in 1489 and 1491 and a further 40 acres of demesne pasture were leased out for terms of years during the early sixteenth century, suggesting that the manor originally had a small demesne of around 100 acres. In addition, the manor contained 500 acres of heathland. The records of a dispute in the early seventeenth century state that 300 acres of this were the tenants' common, while 200 acres were demesne – for the sole use of the lord's foldcourse.²⁰ The foldcourse, grazing rights for the lord's sheep, also extended over the tenants' lands when they were not sown with arable crops.

Hevingham Bishops contained an unusually small amount of freehold land for an east Norfolk manor. For instance Saxthorpe Mickelhall contained 93 acres of freehold, and Buxton manor had over 400 acres. Correspondingly, 15 per cent of Hevingham's tenants held freehold land from the manor, compared to 29 per cent of Saxthorpe Mickelhall's and 37 per cent of Buxton's. The majority, 53 per cent, of the freeholders in these three manors held customary land from the same manor as well.²¹ This picture is reinforced by the Military Survey of 1522 which records the ownership of freehold land. In South Erpingham hundred, in which all but one of the Norfolk manors studied here were located, 32 per cent of individuals assessed owned freehold land. This land was mostly held in small pieces: of those who had land, 56 per cent owned

¹⁸ The Boleyns owned Blickling, and Hevingham Bishops after 1540. The Heydons owned Saxthorpe Loundhall, and acquired Saxthorpe Mickelhall in the mid-sixteenth century. The Pastons owned Salle Kirkhall. In contrast Buxton was owned by the Lord Morley, who was not locally resident; while Scottow was owned by the Abbey of St Benet's until 1536 when it passed to the Bishop of Norwich.

¹⁹ Hevingham Bishops manor: rental 1509, NRO, NRS 14759 29D4; undated extent (c. 1515), NRO, NRS 13714 28D6; rental 1573, NRO, NRS 13716 28D6, contained in a rough court book. The total for freehold land

excludes submanors.

²⁰ Hevingham Bishops manor, court roll 1485–1509, NRO, NRS 19560 42D2, courts held March 1489 and June 1491; court roll 1509–47, NRO, NRS 13685 28D3, court held July 1529. The record of the dispute over the common is bundled with the rough court books of 1564–73, NRO, NRS 12945 27F2. The tenants claimed they had rights of common over the whole 500 acres.

²¹ Saxthorpe Mickelhall manor rental 1500, NRO, NRS 19709 42E6; Buxton manor rental 1529, NRO, Castle Museum Deposit 20:8:59 (sheet T150D); Hevingham Bishops manor: rental 1509, NRO, NRS 14759 29D4.

TABLE 1. Rent per acre (modal value) in four Norfolk manors

<i>Manor</i>	<i>Leasehold</i>	<i>Customary</i>	<i>Soliat</i>	<i>Freehold</i>
Hevingham Bishops c. 1515	—	7d.	—	3d.
Saxthorpe Mickelhall 1500	8d.	9d. or 4d.	2d.	2d. or 4d.
Salle Kirkhall 1494	8d.	12d.	—	4d.
Buxton 1529	12d.	12d.	1d. or 4d.	1d. or 4d.

Sources: Hevingham Bishops undated extent, NRO, NRS 13714 28D6; Saxthorpe Mickelhall rental, NRO, NRS 19709 42E6; Salle Kirkhall rental, NRO, NRS 2702 12C6; Buxton rental, NRO, Castle Museum Deposit 20:8:59 (sheet T150D).

pieces worth less than £1 and 82 per cent owned land worth less than £2.²² Unfortunately the Norfolk returns do not record where this land was located, or the number of people who owned freehold land in South Erpingham but were not resident in the hundred, so they are not strictly comparable with the Berkshire returns discussed below.

The form of customary tenure found in all the Norfolk manors studied here was copyhold of inheritance. This gave the tenant eternal, secure rights to the land as long as rents and fines were paid and other requirements met. As well as being heritable, landholdings could be bought, sold, mortgaged, split, amalgamated, held jointly by relatives or groups of non-relatives and held by non-resident tenants. In the absence of any definite evidence to the contrary, we can assume they could also be sublet for short terms. Land only returned permanently to the lord if there were no heirs, or if a tenant had seriously infringed the terms of tenure. As land could be surrendered out of court to anyone the tenant wished, including from a tenant's deathbed, provided the surrender was witnessed by other tenants and reported at the next court, lack of 'heirs' was extremely rare. Land was left in the lords' hands in the fifteenth century because there were no buyers, not because there were no heirs.

Levels of rents and fines are shown in Tables 1 and 2. Different levels of rent were paid according to the type of tenure, whether it was leasehold, customary land, freehold, or soliat land. (Soliat was freehold land which had been acquired by unfree tenants sometime during the medieval period and thus had become 'soiled' or tainted in status, and appears to have been unique to East Anglia.²³ Rent was paid at the same level as freehold land, but tenants also owed an entry fine, as was the case with customary land.) As expected, Table 1 shows that the rents for freehold and soliat land were low, while customary and leasehold land owed higher rents. Leasehold rents could be set at market rates, so we can assume that they reflect the current demand for land in the late fifteenth and early sixteenth century. The fact that they were similar and occasionally lower than customary rents, and that there was variation between manors, is therefore important to note.

Entry fines were paid by the incoming tenant, whether purchaser or heir, each time a piece of land changed hands. Tenants owed no heriot (a death-duty or fine paid by the outgoing tenant): entry fines were the only manorial payment levied on land transfers. Within each manor there were variations in average fines per acre because different fines were charged in

²² PRO, E101/61/16. Land was assessed on its yearly value, that is, its rental value not sale value.

²³ F.G. Davenport, *The economic development of a Norfolk manor* (1906), p. 70.

TABLE 2. Entry fines in seven Norfolk manors

	1444-68	1515-32	1556-74
Hevingham Bishops	4.8 <i>d.</i> (4 <i>d.</i>)	5.2 <i>d.</i> (4 <i>d.</i>)	6.1 <i>d.</i> (6 <i>d.</i>)
Hevingham Cattes	44.3 <i>d.</i> (4 <i>s.</i>)	—	41.2 <i>d.</i> (4 <i>s.</i>)
Saxthorpe Loundhall	17.5 <i>d.</i> (1 <i>s.</i>)	23.6 <i>d.</i> (2 <i>s.</i>)	25.3 <i>d.</i> (2 <i>s.</i>)
Saxthorpe Mickelhall	21.6 <i>d.</i> (2 <i>s.</i>)	6.4 <i>d.</i> (6 <i>d.</i>)	14.9 <i>d.</i> (1 <i>s.</i>)
Salle Kirkhall	—	44.0 <i>d.</i> (4 <i>s.</i>)	48.3 <i>d.</i> (4 <i>s.</i>)
Blickling	32.3 <i>d.</i> (4 <i>s.</i>)	—	45.0 <i>d.</i> (4 <i>s.</i>)
Scottow	—	44.0 <i>d.</i> (4 <i>s.</i>)	46.0 <i>d.</i> (4 <i>s.</i>)

Note: The table shows average (mean) fines per acre for transfers of $\frac{1}{4}$ acre or more in size, modal fines are shown in brackets and in bold when more than half of the fines accorded with the mode. Each sample was made up of the first 30 usable fines for that period, with the exception of Salle Kirkhall 1556-74 for which only 20 fines were usable.

Sources: Hevingham Bishops court rolls, NRO, NRS 19559 42D2, NRS 13685 28D3, NRS 14477 29C1; Hevingham Cattes court rolls, NRO, NRS 14746 29D4, NRS 14481 29C1, NRS 14653 29D2; Saxthorpe Loundhall court rolls, NRO, NRS 19670 42E2, NRS 19673 42E2, NRS 19675 42E3; Saxthorpe Mickelhall court rolls, NRO, NRS 19698 42E5, NRS 19701 42E5, NRS 19703 42E6; Salle Kirkhall court rolls, NRO, NRS 2607 12B5, NRS 2608 12B6, NRS 2609 12B6; Blickling court rolls, NRO, NRS 10192 25A1, NRS 11275 26A6; Scottow court books, NRO, SCO.8 111X2, SCO.10 111X2.

different circumstances. For instance, heathland was subject to lower fines in Blickling manor, presumably as a result of its low agricultural value. Reversions were sometimes liable to double fines as they eliminated a potential transfer, while certain types of regrants paid half fines. Fines, even more than rents, showed some significant variations between manors. Fines were fixed in Hevingham Cattes, Salle Kirkhall, Blickling and Scottow: all manors where the highest rate of 4*s.* an acre was paid. Fines in Hevingham Bishops were unusually low but variable until a dispute in the 1540s fixed them at 6*d.* an acre.²⁴ Fines were also variable in both Saxthorpe manors. There was no evidence of the rapid increase in fines during the sixteenth century which has been noted elsewhere in the country, and in Seymours Court, Berkshire, described below.²⁵ The fines are put into perspective by the price for which customary land was sold between tenants: an average of 30*s.* an acre in Hevingham Bishops in the late fifteenth century. It seems unlikely that rents and fines at these levels presented any threat to security of tenure.

Contrasts between the manors are also evident in the policy towards unoccupied land and the repair of buildings. Tenants' houses and farm buildings were part of the assets of the manor and it was the tenants' responsibility to maintain them. Lords were within their rights to insist that tenants kept properties in good repair, under threat of eviction if they failed to do so. Many of the more prosperous tenants engaged in engrossment during this period, amalgamating landholdings to enlarge their farms. Engrossment often resulted in disrepair as buildings surplus to the tenant's needs were allowed to deteriorate or collapse altogether. An active and intrusive manorial lord could hinder the process of engrossment by insisting that houses should not be pulled down or allowed to decay.

²⁴ Hevingham Bishops court roll 1509-47, NRO, NRS 13685 28D3, court held October 1543.

²⁵ R. H. Tawney, *The agrarian problem in the sixteenth century* (1967), pp. 305-6.

We would expect tenants to gravitate towards those manors with low rents and fines, and relaxed policies of administration towards matters such as repairs. This seems to have been the case. Hevingham Bishops manor with its low rents and fines was fully tenanted from at least the mid-fifteenth century onwards. Tenants were rarely reprimanded for failing to keep their property in repair. Despite the fact that the land was fully occupied, engrossment did take place as a result of the tenants' land market activities. The declining numbers of direct manorial tenants is the clearest indication of this. Hevingham Bishops had 52 direct tenants in 1509, but only 39 in 1573. There was an increase in the number of landholdings of over 50 acres in size during this period, although the proportion of tenants with less than one acre also increased, demonstrating that engrossment and polarisation had occurred simultaneously during the sixteenth century.²⁶ Nevertheless, there is little evidence that actual holdings were rationalized or consolidated. For instance Robert Bisshop, a large tenant in Hevingham Bishops manor, held 46 acres of customary land in *c.* 1515 in 26 separate pieces. When he died in 1556 he held 47 acres in 25 pieces.²⁷

The situation was different on other north-east Norfolk manors. Hevingham Cattes had significantly higher entry fines than Hevingham Bishops with which it shared the fields of Hevingham and Marsham, and perhaps more than half the customary land was unoccupied in the mid-1440s.²⁸ Unfortunately the documentation for Cattes manor is too patchy to be able to trace the situation into the sixteenth century. However, the Paston's manor of Salle Kirkhall just a few miles to the west of Hevingham, was another manor with relatively high rents and fines. Among the manors studied, Salle Kirkhall and Cattes stand out for their tenacious maintenance of serfdom well into the sixteenth century.²⁹ In Salle in 1494 customary rents were considerably higher than those for leasehold. A list of customary tenements in Salle Kirkhall drawn up during the reign of Henry VIII recorded 36 per cent of the land area 'in the lord's hands', unoccupied by customary tenants.³⁰ An examination of the court rolls for a six year period from 1521–6 inclusive shows them to be littered with orders for tenants to repair their buildings. There were an average of five such orders a year, as well as repeat orders with higher fines. Fines ranged from 3*d.* for an initial presentment to 13*s.* 4*d.* for repeated failure to carry out repairs on properties. More significantly, during this short period two tenants forfeited their properties altogether for failing to carry out repairs.³¹ It seems likely that this manor lacked customary tenants because of its unpopular manorial policies including the maintenance of serfdom, high rents and fines, and an insistence on repairs.

²⁶ Hevingham Bishops rental 1509, NRO, NRS 14759 29D4; and rental 1573, NRO, NRS 13716 28D6.

²⁷ Robert Bisshop also held freehold and demesne land from the manor, as well as land from Hevingham Cattes, Buxton manor, Bolwick Hall (a small manor between Marsham and Aylsham), and Marsham Rectory. He may well have held land from other manors as well. His total landholding was certainly over 100 acres in size at its peak.

²⁸ Hevingham Cattes custumal 1443/4, NRO, NRS 14471 29C1, lists 24 customary tenements of which six were fully occupied by customary tenants, nine were

unoccupied, and eight were only partly occupied.

²⁹ Chevage, a fine to live outside ones' manor of origin was charged in Salle Kirkhall up to the 1530s, and in Cattes up to the 1560s. Such fines were only charged to those described as 'bondmen of blood' and not to the majority of customary tenants.

³⁰ Salle Kirkhall book of tenements temp. Henry VIII, NRO, NRS 2650 12C4. 126.5 acres of the land listed was in the lord's hands. It is possible that some of this land was leased.

³¹ Salle Kirkhall court roll, NRO, NRS 2607 12B5.

TABLE 3. Rents per acre in pence on three Berkshire manors^a

<i>Manor</i>	<i>Date</i>	<i>Demesne</i>	<i>Date</i>	<i>Customary</i>	<i>Freehold</i>
Priors Court, West Hanney	1443	14.5	1490	5.9	3.8
	1541	14.6	1605	5.7	4.3
Seymours Court, West Hanney	1445	8.7	1492	8.2	2d. or a rose ^b
	1512	8.9	c. 1600	6.9	
Shaw	1450	5.1	1450	2.4	2.3
	1547	5.4	1547	4.4	0.9

Notes: ^a See text for method of calculation.

^b Freehold rent for Seymours Court is the nominal sum levied on the holding, not per acre.

Sources: Priors Court, NCA, 1443 ministers' account, 7191; 1490 rental, 4075; 1541 bailiffs' account, 1794; 1605 rental, 4076; Seymours Court, BRO, 1445 court roll, D/EX1/M1/5; 1492 rental, D/EX1/M7 and free land in court roll D/EX1/M3/2; 1512 court roll, D/EX1/M4/2; c. 1600 court book, D/EX1/M6, court rolls D/EX1/M5/1, D/EX1/M5/2; Shaw, PRO, 1450 rental within court roll, SC2/154/53, 1547 survey, LR2/187.

The lands of the Berkshire manors, like those of Norfolk, were held as demesne, freehold or customary tenure. Unlike those of Norfolk, however, they were predominantly held in standard units of yardlands or virgates.³² These were made up of different numbers of acres of arable land, with pasture allocated in proportion to the arable and described in terms of the number of animals that could be grazed. The demesnes of Priors Court and Seymours Court were identical in area, being four virgates in size or roughly 110 acres. Shaw's demesne was 187 acres. The demesne lands of all three Berkshire manors were leased in their entirety for varying periods: Priors Court for ten to twenty years, Seymours Court for eight to ten years and Shaw for ten to thirty-two years. Demesne rents were significantly higher than other rents, as shown in Table 3, and varied little over time.³³ Those at Seymours Court were more expensive than at Priors Court despite the fact that the strips lay dispersed in the same fields of West Hanney.

The amount of the freehold land was relatively small in all three manors. At Seymours Court there was only 11.5 acres, some of which only owed a token annual rent of a red rose for the property. Priors Court had approximately four virgates of free land and Shaw 98 acres. All freehold rents were low, similar to the levels found in Norfolk: those of Shaw actually fell between 1450 and 1547. However, the Berkshire tenants also had to pay reliefs on the death of

³² Although the detailed survey of Shaw described the lands in virgates and acres and the latter measurement is employed in this article. PRO, LR2/187.

³³ Rents per acre on the Berkshire lands as calculated here are very tentative and must be viewed with great caution. Rents were levied on individual holdings rather than on precise acres of land. To calculate the rent per acre at West Hanney the total rent for the year on each type of land – demesne, customary and free – was first divided into the number of its yardlands, and then

converted into acres by employing the multiplier of yardlands to acres described above. At Shaw the total rents for the year were divided into the acreages derived from the 1547 survey and the common land of the manor was added to ensure that the figures were comparable with West Hanney. There were 161.5 acres of common on the manor and these were divided in proportion to the other lands of the manor and added to their total acreages before dividing that sum by the total rent for the year.

a free tenant. On the large freeholdings at Priors Court this was specified as a mounter, that is a horse with all its equipment, given as a fixed sum of 10s. in 1523. At Seymours Court the relief was a red rose. At Shaw the relief was a money sum, equivalent to a year's rent. Nevertheless, it is clear that the payments due for free land did not reflect its market value. Its real worth lay in the price that was paid when land was transferred, and this sum did not appear in the lord's manorial documents. Free tenants were usually non-resident in the parish and could include the lords of neighbouring manors. A general pattern of non-resident freeholders in west Berkshire is confirmed by the Military Survey of 1522.³⁴ The returns show that 94 per cent of those assessed were not resident in the village where their freehold lands were situated. Although the number of non-resident freeholders in Norfolk is unknown, this does suggest a different structure of ownership. Customary tenants in Berkshire were much less likely than those of eastern Norfolk to own freehold land.

Customary tenure on all three Berkshire manors was copyhold for lives rather than copyhold of inheritance. At Priors Court tenure was for the life of the tenant and his widow, if she did not remarry, and at Seymours Court and Shaw for three named lives, which were usually the life of the tenant, his wife and son. Although the potential existed for tenants to renew the customary tenure and extend the tenancy, this was rarely taken up. Renewals of tenures occurred only once at Priors Court, twice at Seymours Court and four times at Shaw.³⁵ Customary land was usually held in divisions of yardlands or virgates which varied in size. At Priors Court there were a total of 10 yardlands of customary land, at Seymours Court 7¼ yardlands, and at Shaw there were 6¼ virgates. When these are multiplied as a proportion of the total size of the manor the approximate acreages of customary land in each manor can be calculated: there were 275 acres at Priors Court, 200 acres at Seymours Court, and 382 acres at Shaw.³⁶ The level of customary rent had been set at some point in the past in West Hanney and was levied on a particular holding rather than number of acres, although changes did occur when holdings were amalgamated or consolidated. There was very little movement in the level of rent at Priors Court, whilst at Seymours Court rents were generally reduced after a re-negotiation of pasture rights and rents in the late fifteenth century. Calculations can only be very approximate, but it does appear that customary rents in West Hanney were set at around 6*d.* per acre on the manor of Priors Court and 8*d.* to 7*d.* on the gentry manor of Seymours Court. As in Norfolk, therefore, payments varied by manor even when the land lay in the same fields, although these rents were somewhat lower than those found in the Norfolk manors. At Shaw, the level of customary rent increased over time whilst remaining lower than at West Hanney; it almost doubled during the sixteenth century to nearly 4½*d.* per acre.³⁷

Rents however, formed only one part of the cost of customary land to the tenant, for they also owed entry fines and heriots. Entry fines at Seymours Court and Shaw were more responsive than rents to the underlying economic conditions of the period. Unlike those in Norfolk, fines

³⁴ PRO, E315/464.

³⁵ Over the time periods 1444–1602 on Priors Court, 1435–1594 on Seymours Court, and 1405–1546 on Shaw. Specifically, the renewals took place in 1599 in Priors Court, 1577 and 1594 in Seymours Court, and 1407, 1465, 1480 and 1490 in Shaw.

³⁶ These acreages include common pasture.

³⁷ By necessity, rents had to be calculated by a different method for the Berkshire manors. It is likely that one of the reasons that rents are lower in Berkshire is because the acreages include common pasture, which is not the case for the Norfolk rents.

rose significantly over the period, although there were variations between manors reflecting different manorial policies. At Priors Court there was very little movement in the size of entry fines which were, on average, one year's rent in the early sixteenth century (very approximately 8*d.* per acre). At Seymours Court entry fines increased over time from a capon at the beginning of the fifteenth century, to the equivalent of one year's rent in the last quarter of the century, to approximately the level of ten years rent by the second half of the sixteenth century. For example, in 1559 John Donnesdon paid £10 for a messuage and one virgate of land, which was approximately 10*s.* an acre on that property.³⁸ At Shaw entry fines fluctuated before 1440 and then increased steadily throughout the rest of the period studied. For example, a messuage and half virgate of land which consisted of five acres of pasture and twelve acres of arable was charged an entry fine of 3*s.* 4*d.* in 1480, 11*s.* 4*d.* in 1538, and 40*s.* in 1605. That is an increase from 2.4*d.* per acre, to 8*d.*, to 28.2*d.* per acre in 1605. Entry fines on cottages in Shaw rose dramatically in the second half of the sixteenth century. For example, Nicholas King and his son renewed their tenancy in 1606 on a cottage with its adjacent close and paid 16*s.* as entry fine and 10*s.* annual rent. In 1474 this property had rendered an entry fine of 13*d.* and an annual rent of 3*s.* 4*d.*³⁹

The final charge on customary holdings in Berkshire were heriots which were owed to the lord at the end of each tenure. The amount due was specified at the beginning of the tenure and was usually the best animal or its equivalent. This could be a cow, horse, or several sheep, and at Priors Court was often specified as an acre of corn. In 1511, on the manor of Seymours Court, the three members of the Unwey family had all died and the heriots from their tenement of a messuage and virgate of land, which included the Forge, were stipulated as: an anvil price 60*s.* due from John, from his wife's life was a pair of Forge bellows price 5*s.*, and from the son an iron vice worth 4*s.* 4*d.*⁴⁰ At Priors Court and Shaw the heriot was also described in monetary terms, for example a horse worth twelve shillings, and was usually the equivalent of one year's rent. Manorial accounts show this was typically received as a cash payment at the Colleges. Heriots were an additional charge on customary land and one that could make the cost of customary land in Berkshire more expensive than that of Norfolk, particularly if the tenancy was of short duration.

As in Norfolk there were contrasts between lords in their attitudes to disrepair and engrossment and these had important implications for the tenants. Tenants were presented for disrepair much more frequently in Seymours Court than Priors Court in West Hanney: between the mid-fifteenth century and the end of the sixteenth century 111 tenants were presented in Seymours Court compared to 47 in Priors Court. There were 61 cases at Shaw before 1545. At Seymours Court tenants were pursued in the manor court until their repairs were completed with increasing levels of penalty ranging from 3*s.* 4*d.* to £2, the modal value being 10*s.* On two occasions the eventual outcome was eviction. For example, the fifth penalty that Richard Willes incurred was of 40*s.*; he was ordered to sign a bond with the lord for the money and his tenement was later seized.⁴¹ Penalties at Priors Court ranged from 4*d.* to £1 with a modal value of 6*s.* 8*d.* There were no evictions for failure to repair buildings at Priors Court; indeed, on

³⁸ BRO, D/EX1/M6.

³⁹ BRO, D/ENm1/M1-5; PRO, SC2/154/54.

⁴⁰ BRO, D/EX1/4/2.

⁴¹ BRO, D/EX1/M1/2.

one occasion the tenant had withdrawn from his tenement and left the buildings in a ruinous state. At Shaw there were no evictions and penalties ranged from 3s. 4d. to £1, with the majority being 3s. 4d. Engrossment of holdings was another contrast between the manors. On the lands of the two corporate lords some engrossing was taking place, whilst at Seymours Court the lords tried to maintain the integrity of their customary holdings. This can be quantified by the number of direct customary tenants which fell from nine to five at Priors Court and eleven to eight at Shaw, but only from eight to seven in Seymours Court.⁴² Engrossing of holdings may have made enclosure of some of those lands a possibility. There is evidence from Shaw that by 1547 approximately 59 per cent of all lands were contained in small enclosures.⁴³ For example, a typical holding of a messuage and half virgate was itemised as: four piddles of one acre each; two closes of half an acre each; one close of two acres of pasture; one close of two acres of arable; one close of three acres of arable; one close of seven acres of arable; and 4½ acres dispersed in the common fields.⁴⁴

The most obvious contrasts between the two regions are the presence of a virgated structure of landholding in Berkshire, the different types of customary tenure (copyhold of inheritance in Norfolk and copyhold for lives in Berkshire), and the absence of heriot in Norfolk. Other contrasts were less expected given the traditional characterisation of Norfolk as more commercial and Berkshire as more heavily manorialised. Serfdom is the classic trait of heavy manorialism, yet it was the Norfolk manors on which serfdom was most persistent. Six out of the seven manors studied were charging servile fines in the mid-fifteenth century, and four carried on doing so into the sixteenth century. Salle Kirkhall charged its last chevage fine in 1534, and Hevingham Cattes in 1562. In contrast, there was no mention of servile fines after the early fifteenth century in the Berkshire manors. The last payment of chevage occurred in Shaw in 1429, whilst there was no mention of servile fines in West Hanney in the fifteenth century, let alone the sixteenth.⁴⁵ On the other hand, the increased enclosure of land can be seen as an indicator of the commercialization of agriculture, and it is Shaw which displays conclusive evidence of enclosure, not Hevingham Bishops in Norfolk. Levels of rent, and entry fines present less of a contrast, although rents seem to have been somewhat lower in Berkshire, and entry fines were more variable. In the mid-fifteenth century fines were lower in Berkshire than in Norfolk; by the later sixteenth century they were generally higher. Finally, it is important to note the variations in tenurial conditions between manors within the two regions. Rents, fines and the tightness of administration differed from manor to manor. The contrasting management styles of lords affected the cost of customary land to the tenant and opportunities for engrossing lands. These factors seem to have affected the amount of land lying vacant. All the Berkshire manors had difficulties in finding tenants in the first half of the fifteenth century and at West Hanney this problem continued until the mid-sixteenth century on the gentry manor, whilst at Shaw holdings were fully occupied from 1450. In Norfolk Hevingham Bishops, like Shaw, was fully occupied in the mid-fifteenth century, while lands lay vacant in Hevingham Cattes. Salle Kirkhall was still experiencing problems in finding customary tenants during the reign of Henry VIII.

⁴² Over the time periods 1490 to 1605, 1450 to 1547, and 1492 to c. 1600 respectively. References as Table 3.

⁴³ PRO, LR2/187. The Survey recorded a total of 762.75 acres for this manor of which 454.5 acres were enclosed.

⁴⁴ PRO, LR2/187.

⁴⁵ There were no payments of chevage in the West Hanney court rolls and the last payment at Shaw occurred in the court of 16 April 1429. PRO, SC2/154/53.

TABLE 4. Land transfers in the three Berkshire manors and Hevingham

	<i>Family</i>	<i>Other</i>	<i>One Way</i>	<i>Total</i>
Priors Court (1444–1602)	20	17	32	69
(%)	29.0	24.6	46.4	100
Seymours Court (1435–1594)	11	13	56	80
(%)	13.8	16.2	70.0	100
Shaw (1405–1546)	24	42	59	125
(%)	19.2	33.6	47.2	100
Hevingham Bishops (1444–1558)	169	570	53	792
(%)	21.3	72.0	6.7	100

Notes: Family = family relationship specified, Other = no relationship specified, One Way = to or from lord only, Total = total land transactions.

Sources: Priors Court court rolls, NCA, 4060–62. Seymours Court court rolls, BRO, D/EX1/M1–6 and Hendred House for the years 1536, 1541, 1542. Shaw court rolls, PRO, SC2/154/52–54, 18. Hevingham Bishops court rolls, NRO, NRS 19559 42D2, NRS 14763 29D4, NRS 19560 42D2, NRS 13685 28D3, NRS 14477 29C1, NRS 14487 29C1.

The administrative strategies of the different lords of the manor towards their lands influenced the level of occupancy, particularly during the fifteenth century, and by implication profitability on their estates. Discriminating tenants were exerting their power of choice and taking the more attractive tenancies to the detriment of other landlords.

III

The nature of land tenure had a clear impact on the pattern of land transfers between tenants. In western Berkshire customary land was held in standard units of quarter, half or whole virgates. Land was only transferred in these large units: there is no evidence for a market in small parcels of land. Villagers could hold portfolios of land made up of more than one virgate, and of properties taken from several manors, but they did not divide up particular virgates for piecemeal sales or bequests.

Table 4 categorises land transfers according to the parties involved: whether they were transfers within the family, to or from the lord, or of other types; and compares the pattern found in the three Berkshire manors with that in Hevingham Bishops, Norfolk. Transfers of land between family members (including widows and named lives) were not dominant in any of the manors studied, and presented little contrast between Hevingham and the Berkshire manors. Instead, the contrasts lie in the number of transfers and the importance of one way transfers in which the manorial lord took in or granted out properties. It is likely that this was largely a result of the restrictive form of tenure dampening the demand for land on the west Berkshire manors. One way transfers were the most common category of land transaction in west Berkshire, while in Hevingham such transfers were rare. By their very nature, such transfers could not have been sales between tenants. The types of transfers that were most likely to be sales, *inter vivos* transfers between non-relatives, were relatively uncommon in Berkshire, only 14–15 per cent at West Hanney. There was no record of sums of money passing between tenants for the sale of customary

TABLE 5. Land transfers in Hevingham Bishops, 1444-1558

	<i>Number</i>	<i>Area (acres)</i>	<i>Area per transfer (acres)</i>	<i>Transfers per year</i>
All transfers	792	4577	5.8	10.0
Grants and leases by lord	53	502	—	0.7
All inter-tenant transfers	739	4075	5.5	9.3
Transfers between relatives	169	1463	8.7	2.1
Transfers between others	570	2612	4.6	7.2
Transfers by inheritance custom	50	312	6.2	0.6
Inter vivos transfers	689	3763	5.5	8.7

Notes: Total area of customary land = 566 acres; total area transferred by tenants = 4075 acres. There is a gap in the court rolls from 1461-82, and stray missing courts in the rest of the period. Therefore the surviving court rolls represent 79 full years of courts in total. The equivalent of the total area was transferred 7.2 times in 79 years, or once every 11 years.

Sources: Hevingham Bishops court rolls, NRO, NRS 19559 42D2, NRS 14763 29D4, NRS 19560 42D2, NRS 13685 28D3, NRS 14477 29C1, NRS 14487 29C1.

land in the manor court rolls of west Berkshire. This does not indicate such sales did not take place, merely that they were not recorded in this particular documentary source.

Transfers were relatively infrequent in the Berkshire manors, but those that did take place involved a substantial amount of land. A rate of transfer can be calculated by dividing the number of transfers on each discrete holding by the number of years that the particular property was visible in the manor courts. On average properties changed hands every 17.67 years in Priors Court, every 15.23 years in Seymours Court, and every 10.3 years in Shaw. Further evidence of the turnover of land is provided by the introduction of new surnames into the communities. This reveals a period of rapid turnover of population at West Hanney in the second half of the fifteenth century, specifically at Seymours Court between 1470 and 1520 and at Priors Court from the late 1480s to around 1515. At Shaw the greatest turnover of population occurred in the period from 1405 to 1450, a time when landholdings were more fluid and income from the manor to the lord fluctuated considerably. Both communities had more families staying on their holdings as the sixteenth century progressed.

Land transfers were much more frequent in Hevingham Bishops. The land market was very active, with an average of 10 transfers per year (see Table 5). However, unlike the Berkshire manors, most land transfers were small, with inter-tenant transfers averaging 5.5 acres in size. As we have seen, the role of the lord in granting out land was fairly minor. Most of the grants and leases recorded here were made in the fifteenth century; in the sixteenth century there were only 11 grants by the lord recorded in the surviving court rolls, amounting to a total of 40 acres. The obvious differences between the land markets of Norfolk and Berkshire should not lead us to overlook some similarities. Although the number of transfers was much higher in Norfolk, the turnover of land in Hevingham Bishops, once every 11 years, was similar to that in Shaw. In

Norfolk this was achieved by frequent small transfers, in Berkshire by infrequent large transfers. But it is the contrasts which are more significant. The Norfolk situation looks like a land market – tenants participated actively in land exchange activities and the landlord had little influence on the distribution of land between tenants – while the Berkshire situation does not. Norfolk tenants had much greater flexibility of action with regard to customary land.

Both regions, in different ways, displayed evidence of increased demand for land over time. In Berkshire land spent a decreasing amount of unproductive time 'in the lords hands' waiting for a new tenant. The amount of land in the lords' hands fell after 1450 in Shaw, after 1525 at Priors Court and after 1557 at Seymours Court. In Hevingham demand for land was buoyant throughout the period studied. However, in contrast to the extremely fluidity of the land market in the late fifteenth century, the number of land transfers decreased in the sixteenth century, especially after 1530. At the same time the proportion of transfers within the family increased. The price of land sold between tenants, which was recorded on an average of between one and two transfers per year, rose from 30s. an acre in the late fifteenth century, to 48s. 8d. after 1530 and 114s. 4d. by the mid-sixteenth century. This was in part the effect of monetary inflation, but increases in local wage levels lagged well behind. The relative stagnation of Hevingham's land market in the mid-sixteenth century can be seen as the effect of demand outstripping supply: as land became increasingly expensive, so people became keener to hold on to it and keep it within the family, and the number of transfers declined.

IV

To what degree did differences in tenure and the land market affect the distribution of land between tenants, and to what extent did the distribution of land affect social structure more generally? Table 6 compares the landholding structure of three east Norfolk manors with the three west Berkshire manors. The figures for Hevingham Bishops and the three Berkshire manors refer to customary land only, those for Buxton and Saxthorpe Mickelhall also include freehold and demesne leasehold.

The first striking feature is the sheer number of tenants in the Norfolk manors. However, as these manors were quite large, the average landholding size provides a more accurate comparative measure. It remains clear that the Norfolk manors were more densely tenanted, with one tenant for every 12 to 19 acres of agricultural land, compared to one tenant for every 25 to 48 in Berkshire. The majority of the 'extra' tenants in Norfolk were smallholders with less than five acres, who made up between a quarter and a half of the tenants in the manors shown here. The larger size of landholdings in Berkshire is shown by the larger size of median holdings, and the higher proportion of tenants with more than 20 acres. However, these figures are more problematic than they might appear. As mentioned before, it is difficult to calculate the exact amount of land held by particular tenants in the Berkshire manors because this was recorded in virgates of varying sizes and not acres. All these figures relate to the amount of land held from particular manors, not tenants' total farm size. The Berkshire and Hevingham figures relate to customary land only. Therefore they are all underestimates. While this is a problem in both counties, Norfolk's complex manorial structure makes underestimation far more likely in the Norfolk manors. Larger tenants often held from at least three or four different manors,

TABLE 6. Distribution of land between tenants

	<i>Hevingham Bishops c. 1515</i>	<i>Buxton 1529</i>	<i>Saxthorpe Mickelhall 1500</i>	<i>Priors Court 1490</i>	<i>Seymours Court 1492</i>	<i>Shaw 1547</i>
Number of tenants	49	83	41	9	8	8
Land area (acres)	566.0	1161.3	797.2	275.0	200.0	382.0
Average (mean) landholding (acres)	11.6	14.0	19.4	30.5	25.0	47.8
Median landholding (acres)	6.8	4.5	12.3	28.3	28.6	32.5
Holdings of 5 acres or less	21	45	10	1	1	3
(%)	43	54	24	11	13	38
Holdings of 20 acres or more	9	15	15	5	5	5
(%)	18	18	37	56	63	63
Largest holding (acres)	49	145	99	85	57	124

Notes: The figures for Hevingham Bishops and the three Berkshire manors refer to customary land only, those for Buxton and Saxthorpe Mickelhall include freehold and demesne leasehold.

Sources: Hevingham Bishops extent undated, NRO, NRS 13714 28D6; rental of Sir Henry Parker, Lord Morley 1529 (Buxton etc.), NRO, Castle Museum Deposit 20:8:59 (sheet T150D); Saxthorpe Mickelhall rental 1500, NRO, NRS 19709 42E6. Priors Court rental NCA, 4075, Seymours Court rental BRO, D/EX1/M7, Shaw survey PRO, LR2/187.

as well as holding a mixture of customary land, freehold and leasehold. On the other hand, cross-referencing of manorial records indicates that there were many smallholders who held land from a single manor.

In addition, we have to consider the problem of subtenancy. Postan suggested large standard sized holdings and relatively inactive land markets in Midland manors hid the presence of subtenants and transfers of land on short-term leases. By implication he also suggested that such arrangements would have been unnecessary in East Anglia, where there were few restrictions on the splitting or transfer of landholdings. Subtenancy was almost entirely unrecorded in the manorial records studied here.⁴⁶ In both Berkshire and Norfolk no records of subtenancies were found in any of the rentals or extents studied. Norfolk court rolls do occasionally record leases between tenants. However, in Hevingham Bishops there was only one such court roll entry in the period 1483 to 1558, in which a messuage and five acres was leased for five years.⁴⁷ The minimum extent of subleasing can be inferred from the presence of non-resident or gentry tenants. In Hevingham Bishops in c. 1515 just over 90 acres or 16 per cent of the manor's customary land was held by tenants in these categories.⁴⁸ The situation was very similar in Berkshire. The theory held that licenses were required for subtenants and indeed, John Carver was commended by the lord at Shaw when he applied for one in 1484.⁴⁹ But he was unusual. An additional five licences were acquired to lease individual acres in a chalkpit at Shaw,

⁴⁶ Subtenancy is notoriously difficult to identify, see C. J. Harrison, 'Elizabethan village surveys: a comment', *AgHR* 27 (1979), pp. 82-9.

⁴⁷ Hevingham Bishops court roll, NRO, NRS 19560

42D2, court held July 1498

⁴⁸ Hevingham Bishops undated extent, NRO, NRS 13714 28D6.

⁴⁹ PRO, SC2/154/54, 11 May 1484.

otherwise John Carver was the only example. At Prior Court the first license to sublet was recorded in 1599 when Widow Sury was allowed to construct and let two cottages on her lands.⁵⁰ At Seymours Court three licenses were recorded in the period studied, all late in the sixteenth century between 1576 and 1594.⁵¹ It is very likely that there were subtenants on freehold land as well, but again, there is no straightforward evidence of this in manorial records.

Manorial documents cannot prove or disprove Postan's supposition. An alternative perspective on social structure is needed. This is provided by the Military Survey of 1522, the subsidies of 1524 and 1525, and other documents such as wills, probate inventories and parish registers. The Military Survey recorded the wealth of all able-bodied men aged over 16, including those with nothing in wealth.⁵² It allows us to estimate population densities, and to examine social structure in terms of ownership of moveable goods. This picture can then be compared with the landholding records provided by manorial documents. Returns survive both for the Hundred of South Erpingham in Norfolk, which contains all the Norfolk manors studied except Salle Kirkhall, and for the whole of west Berkshire.

There were marked differences between the population densities of Norfolk and Berkshire. These were calculated by employing a multiplier of 3.17 to account for women and children aged 16 or less and applying it to the total number of men enumerated in the survey. Towns were excluded from the calculations. The results reveal that the population density of rural South Erpingham, with 7.4 people per 100 acres, was higher than in rural west Berkshire, which had 4.9 per 100 acres.⁵³ This is a significant finding and we may presume that the differences in population densities between the two regions identified in the pre-Black Death period continued into the sixteenth century.⁵⁴ The smaller number of tenants in Berkshire was, in part, a reflection of a lower population density.

Table 7 shows the distribution of moveable wealth as assessed in 1522. West Berkshire had distinctive sub-regional characteristics.⁵⁵ Wealth was fairly equitably distributed in the Vale of the White Horse. Relatively few people were assessed in the low wealth band of under £2: they were outnumbered by those with goods valued at between £2 and £5, which represented a comfortable standard of living in this region. The Kennet Valley by comparison had a more polarized distribution of wealth with a large proportion of the population having a low assessment. In fact, wealth structure found in the Kennet Valley, and the manor of Shaw, had stronger

⁵⁰ NCA, 4062.

⁵¹ BRO, D/EX1/M6, M5/1.

⁵² R. W. Hoyle, *Tudor taxation records. A guide for users* (1994), p. 43.

⁵³ The Military Survey of 1522, PRO, E315/464 (Berkshire), PRO, E101/61/16 (South Erpingham). Berkshire acreages were taken from the nineteenth century census returns *VCH Berkshire*, II, pp. 236–243, and Norfolk acreages from the 1831 census abstracts. The populations and acreages of the towns of Aylsham, Norfolk, and Newbury and Wantage, Berkshire, were excluded from the calculations. There were 3033 men assessed, and 194,567 acres in rural west Berkshire; and 1081 men assessed, and 46,510 acres in rural South Erpingham. The multiplier was calculated by doubling the numbers of men assessed

to account for women, and then an extra 37 per cent was added to account for children aged under 16. See E. A. Wrigley and R. S. Schofield, *The population history of England, 1541 to 1871: a reconstruction* (1981), p. 568.

⁵⁴ Razi, 'Myth of the immutable English family', p. 17.

⁵⁵ The document was scrutinized for alternate explanations such as commissioners who might have interpreted their instructions differently and produced a fuller range of information than others, as had happened in Gloucestershire: R. W. Hoyle (ed.), 'The Military Survey of Gloucestershire', *Gloucestershire Record Ser.*, 6 (1993), pp. xxii–xxv. However, no hundredal or other distinctive distributions were evident in the Berkshire manuscript and it is therefore assumed that this is a reasonable reflection of sub-regional characteristics.

TABLE 7. The Distribution of Moveable Wealth from the Military Survey of 1522

	<i>nil</i>	<i>£1–</i>	<i>sub-total</i>	<i>£2–</i>	<i>£5–</i>	<i>£10–</i>	<i>£20–</i>	<i>£50+</i>	<i>Total</i>
	(%)	<£2	(%)	<£5	<£10	<£20	<£50	(%)	number
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	assessed
Vale of White Horse, Berks.	2.5	31.4	33.9	46.1	11.3	4.3	3.2	1.3	914
Vale of Kennet, Berks.	23.7	24.1	47.8	32.1	9.3	6.0	3.1	1.7	701
West Berkshire	13.8	26.4	40.2	37.9	11.2	6.2	3.3	1.2	3252
W. Hanney, Berks.	2.9	23.5	26.4	55.9	5.9	5.9	2.9	2.9	34
Shaw, Berks.	20.6	26.5	47.1	29.4	8.8	2.9	5.8	5.8	34
South Erpingham, Norf.	36.0	21.4	57.4	26.8	9.0	3.8	1.8	1.1	1398
Marsham, Norf.	31.3	32.8	64.1	23.4	6.3	3.1	1.6	1.6	64
Buxton, Norf.	52.9	13.7	66.6	19.6	5.9	3.9	0.0	3.9	51
Saxthorpe, Norf.	54.7	11.3	66.0	18.8	13.2	0.0	1.9	0.0	53

Notes: The table shows the percentage of those assessed falling into different wealth bands. Wealth assessed in moveable goods is included, the value of freehold land is excluded.

Sources: PRO, E315/464 (Berkshire); E101/61/16 (South Erpingham).

similarities with that of South Erpingham than with the Vale of the White Horse. South Erpingham displayed the most strongly skewed distribution of wealth in the regions studied, with the majority of those assessed having less than £2. Marsham, the main settlement in Hevingham Bishops manor, Buxton and Saxthorpe, had even greater numbers assessed on less than £2 than South Erpingham as a whole.

A detailed comparison between landholding and assessed wealth can be made by comparing the Military Survey with manorial records for the villages of Marsham, Norfolk, and West Hanney and Shaw, Berkshire. The wealthiest resident of Marsham was William Bisshop assessed on £66 13s. 4d. in goods as well as freehold land. He was one of the largest customary tenants in Hevingham Bishops, with about 56 acres of customary land. William styled himself 'gentleman' in his will of 1545, which revealed that he also held a manor in Crostwight, as well as lands in nine other north-east Norfolk parishes.⁵⁶ William Bisshop's assessment was followed in rank by three men assessed on between £15 and £24, all of whom also owned freehold land. Two, Robert Louthe and Robert Bisshop, held similar amounts of customary land in the manor to William Bisshop – around 50 acres.⁵⁷ In the late 1520s Robert Bisshop was also farming the manor's 40 acre demesne enclosure. A third, John Bustyng, held less – about 35 acres – but combined farming with worsted weaving. Four further men were assessed on between £8 and £11. With one exception, they all held between 30 and 40 acres of customary land from the manor. The exception was John Reyner, who never held more than 10 acres of customary land from Hevingham Bishops. He was the son of a gentleman, and later inherited some of his father's lands, which included over 100 acres held from Buxton manor. These eight men were the wealthy elite of this village society, minor gentlemen or yeomen. They

⁵⁶ The will of William Busshoppe of Marsham, gent.: NRO, Norwich Consistory Court, register Whytefoot, p. 223.

⁵⁷ William and Robert were either unrelated or not closely related.

were the people most frequently appointed to serve as constable to the village and reeve to the manor.⁵⁸

Those assessed on between £5 and £2 were more mixed. Most held freehold land. All were tenants, if not at the time of the assessment, then at sometime in the near future. They ranged from John Marsham, a husbandman with around 25 acres of customary land, to Simon Chapman, who never held more than a cottage from Hevingham Bishops manor. There was no sharp distinction between this group and those assessed on between £1 and £2, although those assessed on less than £2 very rarely held freehold land. Two held between 5 and 15 acres of customary land, nine were smallholders with between one and five acres. Four were currently landless, but acquired land in the future, while seven in this group never held land from Hevingham Bishops manor. Small tenants were active in the running of the manor, as almost all resident tenants served as jurors. Unlike the proto-yeomen however, they were only rarely elected as reeve or constable. Individuals assessed on nothing in wealth fall into three well defined groups. Two were smallholders. Five went on to become landholders, most of whom were the sons of more substantial landholders. The majority, 13, were neither present nor future tenants of Hevingham Bishops manor.

Further evidence about landlessness is provided by Marsham's parish register, which survives for the period 1538–56.⁵⁹ The christening of one child would suggest that the father was probably a resident householder, the christening of two or more children is a certain indication that the family was resident. Sixty different identifiable men had children christened in Marsham in this period. Only 25 of these men held customary land from Hevingham Bishops at the time that their first child was christened. A further 10 held land from the manor at some time after the christening of their first child. However, the other 25 men were not tenants of the manor at any time before 1558, when the series of court rolls ends.⁶⁰ The records of Hevingham Cattes manor were also checked. A list of tenants in 1557 revealed that one of the 25 held land from this manor.⁶¹ This still leaves 24 men who held land from neither manor. Eleven of these men had more than one child christened, and were therefore certainly resident. Some were long term residents of the village. For instance, Thomas Thakway and Nicholas Downyng, who had children christened in 1539 and 1552, and 1545 respectively, had been assessed on nothing in 1522.⁶² It seems clear that despite the large numbers of smallholders among the direct manorial tenants, there was a further section of householding subtenants about whom the manorial records provide little or no information.

Some of the men assessed with little or no wealth in 1522 were transient residents, young men working for wages, perhaps as servants in others' households. But others were smallholding direct tenants or subtenants. How exactly these smallholders made a living is a matter for

⁵⁸ None actually used the description 'yeoman', however. Of the 14 recorded appointments of men as constables between 1511 and 1542, eight were filled by members of this group. Of the 25 recorded appointments of reeves during the same period 18 were filled by members of this group.

⁵⁹ Marsham parish register, NRO, MF/RO 431/6.

⁶⁰ The parish register was cross-referenced with Hevingham Bishops court rolls: NRO, NRS 13685 28D3, NRS

14477 29C1, NRS 14487 29C1.

⁶¹ Hevingham Cattes court roll, NRO, NRS 14653 29D2, court held March 1557.

⁶² Thomas Thakway is recorded as a servant in the subsidy returns of 1524, listed after William Bisshop's name. William's widow left Thomas a bequest in her will of 1565, describing him as her 'sometime servant': the will of Margaret Bysshoppe of Marsham, widow: NRO, Norwich Archdeaconry Court, register Mendham, p. 100.

speculation. Those with 10 acres or more may have been full-time independent farmers, given the good soil, advanced agricultural techniques, and extensive common lands in the manor. Others were perhaps worsted weavers or practised other crafts.⁶³ Men with 5 acres or less and without a specific craft must either have sublet more land or have depended on wage labouring. The subsidies of 1524 and 1525, following soon after the Military Survey, distinguished between those assessed on goods and those assessed on wages. They recorded 25 per cent of those assessed in South Erpingham hundred as wage earners. This proportion was lower than the average of 35 per cent for all Norfolk's surviving returns, and interestingly Marsham, Saxthorpe and Buxton all recorded proportions of wage earners below the South Erpingham average.⁶⁴ Only four people were recorded as 'wage earners' in Marsham. Despite the relative poverty evident in these settlements, they do not appear to have been unusually proletarianized by regional standards.

In Berkshire, West Hanney and Shaw are representative of the social differences that have been identified in their sub-regions. At West Hanney the wealthiest individual was Oliver Wellysbourne who was assessed at £60, similar to William Bisshop, a gentleman whose will of 1553 revealed that he held lands both in West Hanney and elsewhere in the county.⁶⁵ The following assessment of £24 related to William Robyns, the farmer of the Priors Court demesne. It is this category of individual who dominated the possession of land in West Hanney. William Robyns was the son of the previous farmer of Priors Court demesne and in addition to the demesne of four virgates, held a messuage, three tofts and two and a half virgates of land, and free land of unspecified size. There was a strong familial link between the farmers of the demesne and their lands. On William's death in 1525 he was succeeded in all these lands by his heir Richard Sury. His son, also Richard, followed him and, when he died in 1586, held 40 per cent of the total lands of the manor. In his will he mentioned the corn growing on the lands of the demesne and on his copyhold lands; he was presumably farming them both himself. He left an inventory valued at just over £277.⁶⁶ The large demesne farmers were a dominant and constant feature of the economy of West Hanney throughout the period from 1435 to 1600.

The majority of the tenants of West Hanney were assessed as having goods valued at between £2 and £5. William Knight, assessed as a £2 householder, is an example of this group. He had acquired a messuage and three half-virgates of land with appurtenances in 1507, and in 1525 added another holding of a messuage and half virgate. He was a member of the manor court jury and homage at both Priors Court and Seymours Court, and held additional offices as head tithing man, ale taster and affeerer of the court. These, along with the hayward, were the main officers active in the manor courts of West Hanney.⁶⁷ William Knight represents the majority of the population of West Hanney who were farmers of properties that were between a half, and two and a half virgates of land. Their inventories reveal a comfortable standard of living

⁶³ Of the non-clerical men who made wills in Marsham between 1450 and 1580, 6 or 15 per cent were worsted weavers.

⁶⁴ South Erpingham Subsidy returns: PRO, E179/150/215 (1524), E179/150/274 (1524, part of Aylsham only), E179/150/222 (1525). Those described as labourer or servant, or assessed on wages in either 1524 or 1525 were taken to be wage earners. The figure for all Norfolk returns is taken from J. Sheail, 'The regional distribution

of wealth in England as indicated in the 1524/5 lay subsidy returns', *List and Index Soc.*, 28-9 (1998), I, p. 16.

⁶⁵ BRO, will D/A1/10040, p. 72, inventory D/A1/132/55. His inventory was valued at £180 4s. 8d. with debts of £4 13s. 4d. owed to men in Abingdon and Wantage.

⁶⁶ BRO, D/A1/116/2.

⁶⁷ There was no mention of a reeve or constable on these manors.

and direct agricultural activity, and they frequently held manorial office. Those assessed at under £2 included three of the four servants of this vill. Labourers and servants did not form a large proportion of the population in this region, unlike in the Kennet Valley. The farmers of the demesne required additional labour on their farms and William Robyns had two of these servants enumerated with him.

Neither the manorial or fiscal records reveal a large group of low income or landless people. Nevertheless, it remains a possibility that there were subtenant households in West Hanney. Eleven of the 34 individuals listed in the Military Survey did not appear in the manorial records of Seymours Court or Priors Court. They could either have been tenants of the third manor of Andrews Court, or they were subtenants. A more detailed analysis of manorial documents suggests that at least some of them were subtenants. The courts surrounding the rentals of 1490 and 1492 revealed the names of jurors who were not associated with a landholding. At Priors Court between 1489 and 1491 there were 14 men who were jurors and neither appeared in the rental nor were observed taking land, while at Seymours Court between 1491 and 1494 there were two such men. It seems possible that these men were subtenants, thus indicating that subtenancy was much more common in Priors Court than Seymours Court.

The documentation for Shaw down in the Kennet Valley reveals a very different situation to that in West Hanney. The Military Survey in this region, unlike that of the Vale, listed individuals in two categories, as 'householders' or 'labourers and servants'. Of the 34 named individuals at Shaw, 14 were 'householders' holding 93 per cent of the goods and 20 were 'labourers and servants' with 7 per cent of goods. The wealthiest resident was Maurice Smart, also assessed at £60, a tanner and miller who, from the evidence of his will, had lands elsewhere in the country.⁶⁸ The assessment of the farmer of the demesne, John Hore was next in rank order with £40 of goods. He worked 27 per cent of the lands in the manor. The farmers of the demesne were a stable element in the community: they were active in the proceedings of the manorial court, and there was a strong familial attachment to the demesne lands which were passed from father to son as at West Hanney. Thomas Person was next in rank order of wealth, assessed at £30. He was the largest customary tenant and belonged to a family who had resided on the manor since the beginning of this study. Patrick Mountain, assessed at £4, provides an example of a miller. Millers formed a significant if rather transient element in Shaw's society. There were thirty different millers recorded between 1404 and 1542, and there was some specialization of milling, in particular the tanning mill was often held separately from the grain and malt mills.

There was a much higher percentage in the group assessed with less than £2 at Shaw than in West Hanney. The majority were categorized as 'labourers and servants'.⁶⁹ This section included nine junior members of families, whose labour must have been important in working the family farm such as the large customary holding of the Person family. Other labourers may have found employment in the minor industries of Shaw, such as the mills or brick kiln, or the craft industries such as weaving, or else in Newbury. Wage labour is revealed in the Lay Subsidy of 1524 where 12 individuals, or 46 per cent, were assessed on wages.⁷⁰ Nine were listed after major

⁶⁸ PRO, PROB11/33/22.

⁷⁰ PRO, E179/73/121. The 1524-5 lay subsidy returns for

⁶⁹ There were only two householders assessed with goods valued at less than £2. West Hanney do not survive.

tenants which suggests a working relationship. Of those listed in the 1522 assessment, 19 out of 34 did not hold land directly from the manor. Six of these were junior members of families: the other 13, or 38 per cent, must have been subtenants and/or relied on wage labour.⁷¹ This is comparable to the situation in Norfolk. The presence of subtenants is also revealed in a study of the manor courts for the years preceding the 1547 survey. The survey listed the demesne farmer, the miller and eight customary tenants. The court rolls for 1543–6 listed nine jurors who were neither in the survey nor recorded acquiring land, and are therefore likely to have been subtenants.

V

Having reviewed systems of tenure and distribution of wealth in the two regions, what conclusions can we draw? First, many of the generalizations about contrasts between 'Midland' manors and 'East Anglian' manors mentioned in the introduction were borne out. The Norfolk manors studied had a more complex landholding structure, both in terms of the manors themselves, and the customary landholdings within them. The majority of Berkshire manors did not extend beyond a single parish, landholdings were held in virgates and yardlands of varying customary sizes, and cottage holdings were rare. In the Berkshire manors studied, the manorial administration retained control over the exchange of copyhold land, which was held for lives, although tenures were renewable. The result was that there was little land market to speak of. In Norfolk manors were sprawling structures extending over a number of parishes. Customary landholdings did not exist as standard sized units. The largest holdings of customary land were around 50 acres in size, but a great many (between a half and a quarter) were 5 acres or less in extent. All holdings could be split and regrouped as tenants wished. Tenure was copyhold of inheritance, which allowed the lord very little control over the land market activities of his tenants, and no choice in the selection of his tenants. The land market was active, although the majority of transfers were quite small. The great majority of transfers were *inter vivos*, between tenants.

Nevertheless, a number of similarities between west Berkshire and eastern Norfolk are apparent. Both regions had considerable diversity within them. There were contrasts in methods of manorial administration in both Norfolk and Berkshire, between tightly administered manors and loosely administered ones, and this did have an impact on demand for customary land. The more tightly administered manors, such as Hevingham Cattes, Salle Kirkhall, and Seymours Court, with higher rents and fines, and stricter controls on engrossment, had more vacant land indicating problems in attracting tenants in the fifteenth and early sixteenth centuries. By contrast, loosely administered manors such as Hevingham Bishops and Shaw were fully tenanted from the mid-fifteenth century. Rents and entry fines showed fewer contrasts between the two regions than we might have expected. Although rents per acre are difficult to calculate for Berkshire, they appear to have been slightly lower than in Norfolk. Entry fines were more variable in Berkshire than in Norfolk, between holdings, between manors, and over time, but for most of the period they were often lower per acre than in Norfolk. However, tenants in

⁷¹ The parish register survives from 1646 and cannot be employed as an additional source. The register for West Hanney includes Lyford and East Hanney and is therefore unsuitable for a comparative study with Marsham.

Berkshire also owed heriot, which was not levied in Norfolk and formed another capital charge at the other end of the tenancy. In both regions there was evidence of demand for land increasing in the sixteenth century, and the turnover of tenants decreasing, especially in the mid-century and after. The number of direct manorial tenants declined over time – a sure sign of engrossment. Only on the tightly administered manor of Seymours Court was this trend not evident. In both Hevingham and Shaw, by the mid-sixteenth century there were a significant number of households who lacked direct manorial tenancies. So, in both regions manorial administration had an impact, and in both regions the effects of national trends were felt: a lack of tenants in the fifteenth century, and engrossment in the sixteenth.

However, both tenant density and population density were higher in Norfolk. There were more customary tenants per acre in Norfolk and this is reflected in the population densities calculated from the Military Survey of 1522. The Military Survey does provide a corrective to the manorial evidence. Rather than Norfolk and Berkshire lying at two polar extremes, it instead suggests a threefold division between the Vale of the White Horse, Berkshire; the Vale of the Kennet, Berkshire; and north-east Norfolk, as represented by South Erpingham. In many ways, the Vale of the Kennet and South Erpingham had more in common with each other than either had with the Vale of the White Horse. Both South Erpingham and the Vale of the Kennet, and the manors of Hevingham Bishops and Shaw, had large numbers of inhabitants assessed on less than £2, although the numbers were greater in Norfolk. This class of person was virtually absent from the Vale of the White Horse, unless the assessors of the Military Survey decided not to record them, which seems unlikely. While those assessed on higher levels of wealth in West Hanney were purely concerned with agriculture, a number of substantial householders in Shaw and Hevingham has interests in trade and industry as well as farming.

Contrary to Postan's suppositions, it seems that the documents of the classic Midland community of West Hanney, Berkshire, present the most accurate picture of the economic life of a community. Other documents provide little evidence of economic diversification or alternative sources of employment. It really was a purely agricultural community. If there was a hidden land market, it would have been in the purchase of temporary short-term leases from the large tenants of the manor, and predominantly from those of Priors Court rather than Seymours Court. The manorial documents of Hevingham, Norfolk, correctly present a picture of a fluid and commercialized society, and of significant differences of wealth between the few large tenants and the multitude of smallholders. However, other documents suggest this was not the complete picture. Below the smallholding manorial tenants was a substantial group of subtenants and servants. Worsteds weaving, largely unrecorded in manorial documents, provided additional employment to agriculture. The manorial documents themselves are problematic. It is virtually impossible to reconstruct the complete landholdings of particular tenants because manors and parishes did not coincide, and because freehold and demesne lands were distributed piecemeal amongst tenants who also held customary land. The manorial documents of Shaw were the most misleading: here was a fairly typical midland manor with standard sized holdings and no significant land market. There was some economic diversification and trade links with Newbury were visible. But it is the non-manorial documents, the fiscal and probate records, that reveal the substrata of non-manorial tenants and wage labourers, and the full extent of commercial and industrial activity. Yet the significant number of people dwelling at Shaw who were not

direct manorial tenants does not appear to have made the population poorer than in Hevingham. The level of poverty was greater in South Erpingham than in the Vale of Kennet. The number of direct manorial smallholders in Norfolk merely meant there was an absolutely greater number of smallholders in Norfolk than Berkshire.

All manorial documents illustrate a *pays légal*, not a *pays réel*, but sometimes the two do coincide. Legal structures were not detached from the underlying economic situation. Manorial documents illustrate manorial administration, and the nature of manorial administration could both restrict and encourage certain developments. A loose manorial structure enabled economic diversification to occur. But more conventional manorial structures did not necessarily stamp out diversification, as in the case of Shaw. However, as a whole, eastern Norfolk was more thoroughly commercialised, and more densely populated, than western Berkshire. It seems likely that this was, in part, a consequence of patterns of landholding, which in turn were influenced by manorial structures and terms of tenure. The social structure of most of rural north-east Norfolk resembled that of Shaw, while a Norfolk twin of West Hanney has yet to be found. Manorial documents alone cannot be relied upon to reveal the social structure of regions or villages; they simply omit too much of the *pays réel*.