

VILLENAGE IN THE WEALD OF SURREY.¹

BY

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THE origin, nature, and decay of villenage and of bondage, perhaps not quite the same thing originally, and of the servile *status* generally, have received a great deal of attention of late. But probably Professors Maitland and Vinogradoff would tell us that there is plenty of uncertainty about these matters still. I have of late had my attention drawn to some Surrey cases, and am inclined to found some conclusions upon them. But I should like it to be distinctly understood that this paper is merely preliminary to a further collection of evidence, which must take a long time to gather in. I wish, however, now to indicate briefly why I think, from Surrey examples, that villenage, villein tenure in the strictest sense, belonged only to the anciently-settled parts of the country, and was of remote antiquity; that it was not incompatible with considerable social prosperity of those who held by it, a proposition which needs little more defence now I fancy; and that the later so-called villenage of more lately-settled places, like the Weald, was in fact not quite the same as what villenage had been originally.

First, what was the Weald? In a broad sense it was the forest, of course, which reached from Hampshire to the middle of Kent, and covered a few hundred acres of Hampshire, all the northern part of Sussex, all the southern part of Surrey, and a great part of Kent. Geologically, the Weald is the country within the long

¹ The following paper was submitted to my friend Professor Maitland, and was in type before his lamented death.

horse-shoe of chalk, the curve of which is above Petersfield, and whose arms run out to the North Foreland and Beachy Head respectively; a country whose soil is, a great deal of it, the Wealden clay.

Legally, the Weald has a meaning defined by the Court of King's Bench in 1693. In a rather famous lawsuit concerning the liability to tithe of some woodlands in Churte, a tithing of Frensham parish, which parish was itself once part of Farnham parish, it was laid down that the Weald is the country in Kent, Surrey and Sussex, in which the woodlands pay no tithe unless a specific grant of tithe can be shown.¹ This statement of the matter pretty clearly puts the cart before the horse. What they meant was, that the woodlands in the Weald were tithe free, unless a specific grant could be shown, because, when the prescriptive title to tithe was established elsewhere, the Weald was a no-man's land, uninhabited and therefore untithed; untaxed also apparently for the same reason in A.D. 1086, at least for the most part. What I mean by the Weald here, is the southern part of the county not described in 1086.

When the *Domesday Survey* was completed that year, it mentioned in Surrey one manor only upon the Wealden clay, Ockley.² Farnham is the only name mentioned in Farnham Hundred. Witley and Hambleton are the most southerly places named in Godalming Hundred; Bramley in Blackheath; Abinger and Anstie Farm are the farthest south in Wotton, except Ockley. In the eastern half of the county nothing is named south of the line through Dorking, Betchworth, Reigate, Blechingley, Tatsfield. In Sussex a similar absence, or rarity, of *Domesday* names on the Wealden clay is to be noticed. It does not follow that all the clay, and much

¹ I would refer the curious to the *Victoria History of Surrey*, Vol. II, p. 613, for a further account of the law-suit. See *Exchequer Depositions*, 4 W. and M., Michaelmas, 12. The Court of Exchequer sent the trial of the facts before the King's Bench.

² Arseste is at all events not Eversheds on the Clay, as Manning and Bray and Colonel James surmised. I suspect it is Hartshurst on the Sand, under Leith Hill, but it is uncertain.

of the sand next to it, was quite uninhabited then. The Manor and Hundred of Farnham reached to the Sussex border in the charter attributed to Caedwalla of Wessex in 688. The Surrey and Sussex Wealds hereabouts were at all events appropriated, though not settled.

Branley Manor later on included land in the southern part of Blackheath Hundred. The Manor of Shiere reached into Cranleigh; that of Dorking into Capel. Land near Leigh was attached to the far distant Ewell, Thundersfield near Horley to Sutton, Burstow to Wimbledon. One of these connexions, Thundersfield and Sutton, is as old as the 10th century.

Lingfield, a manor and village on the Hastings sand, is rather unaccountably omitted from *Domesday*, for it belonged to the Abbey of Hyde from King Edgar's time. Some other names, such as Eashing on the sand, and Petridge on the clay, are older than *Domesday*. There was therefore some population; but the villages were not considerable enough to be considered as separate properties, or as separately taxable places. The later parishes did not exist. All Farnham Hundred was in Farnham parish, Haslemere and Chiddingfold, probably Hambledon, was in Godalming parish, Capel was in Dorking parish, Home were in Blechingley parish. *Pope Nicholas' Taxation* of 1291 shows that even then many of the Wealden parishes had not been formed. Even the Subsidy Rolls of the early part of Edward the Third's reign do not recognize some of them.¹

In these outlying parts of Surrey the condition of the cultivators, after the country became inhabited, was no doubt low enough. In Godstone, Blechingley, Nutfield, Buckland, Merstham (which included part of Charlwood), and other places on the edge of the occupied land of 1086, where the manors had outlying portions down on the clay, in the forest, where occupation had been recently extended, the proportion of *servi* enumerated in

¹ *Victoria History, Appendix, Vol. I; Ecclesiastical History Section, Vol. II.*

the *Survey* is unusually large.¹ Here, too, bondage was long continued. I was able to submit to the Historical Society an instance, already noticed by Manning and Bray, of the sale of lands, "with the bondmen and their families," in Leigh, Charlwood and Reigate, in the time of Edward VI, and a manumission of "villeines and bondmen," in the same neighbourhood, in the middle of Elizabeth's reign.²

The land in Godalming Hundred was mostly held by copy of Court Roll in the 17th century. Indeed, a great deal of land in the Weald, in the sense of all the land south of the chalk, is still copyhold. More was copyhold till recently enfranchised. And where there was copyhold there is commonly supposed to have been unfree tenure.³ But though the bondmen enfranchised in Elizabeth's reign are comprehensively described as "villeins and bondmen," I doubt the accuracy of the description. I think that they were in bondage, but were not villeins in the original sense of the word. I think that I am right in saying that modern authorities agree that mediæval lawyers used *nativus*, *villanus*, bondman, serf, and so on very indiscriminately for hundreds of years before that time. But different names suggest a difference at some period. The people who made the *Domesday Survey* surely knew what they meant when they distinguished *villani*, *bordarii*, *cotarii* and *servi*, the other servile or semi-servile distinctions are not used in Surrey, and they meant that the *status* of these classes was not identical.

Villanus is the man of the *villa*. If we would turn him into English he is surely the man of the township, that is one of a community. If so, even by 1086 his original position must have been forgotten sometimes,

¹ *Servi* are 1 in 9 or 10 in the whole county ; 1 in 5 or 6 in Reigate Hundred : 1 in 4 in Tandridge Hundred.

² *R. Hist. S. Transactions*, New Series, Vol. XIX, p. 305.

³ But free land was also held by copy of Court Roll. Kyttebond in Capel is described as free land, but yet paid heriots and fines, and was held by copy of Court Roll.—Dorking Manorial Rolls, Court held 20 Jan. 1437.

else we should not be confronted with the mention of *unus villanus* on a manor: unless indeed he were resident in one place, but had township rights and duties elsewhere. But the essence of a township community was not merely service to a lord, but Common Fields of their own. There certainly were Common Fields on most of the Surrey manors, where there are *villani*, enumerated in *Domesday*. To show that there were Common Fields on all of them is part of the task, necessitating much searching of evidence, which must stand over for the present, but which I hope to be able to complete for the Society at some future date. Moreover the inhabited country of *Domesday* is also the country over which pre-historic remains and Anglo-Saxon burials tell of a long-established population not to be traced beyond these limits in nearly the same abundance. Conversely, it is a question whether there were any Common Fields in the part of the county not specifically noticed in *Domesday*. The collection of this negative evidence is another long business; but I can say now that I know of no evidence of Common Fields existing at a later period in certain parts of the uninhabited, or less inhabited districts of 1086. For instance, Godalming, Tuesley, Hertmere, Farncombe, are *Domesday* names in the parish of Godalming. There were Common Fields in all. Eashing in Godalming is a place with a name older than *Domesday*. There were Common Fields there. Artington, formerly in Godalming Manor, lying north of these places, and presumably inhabited in 1086, had Common Fields. Shackleford is a similar case to Artington. But at Chiddingfold and Haslemere, in Godalming Manor, lying south in the forest, places whose names do not occur till a century or more after *Domesday*, I find no mention of Common Fields in the Godalming Hundred and Manorial Rolls. The Manor of Dorking may be cited as another instance. It included what is now the parish of Capel but what was called in the Views of Frank Pledge, *temp.* Richard II, Waldeburgh, *i. e.* the Weald Borough, Dorking being divided into several tithings

called Boroughs. In the neighbourhood of Dorking town, a *Domesday* name, there was a Townfield. In Capel I find no traces of Common Fields in the Court Rolls. It was probably only settled after 1086. The Chapel was existing about the middle of the 12th century, but not apparently in 1086, when Dorking Church is named but no chapel besides on the manor. Where two churches or chapels existed and one is named, both are usually named. Capel with no Common Fields was an early post-*Domesday* extension of population I suspect.

Mr. Stevenson, in his *View of the Agriculture of Surrey*, published in 1809, when many Common Fields still existed, says roundly that there never were any Common Fields in the Weald. He says the same of the Weald of Sussex. Mr. Marshall, in his *View of the Agriculture of the Southern Counties*, published in 1798, is of the same opinion. If this be true, a *villanus* in the Weald was a *villanus* without a *villa*, unless, as I said above, he had still a connexion with a *villa* elsewhere. A man might be a bondman, a *nativus*, a *servus* even; he might, and did, owe suit and service, mow, reap, carry for his lord, attend his courts, pay heriots and fines, be at his mercy perhaps, body and goods; but was he really a villein? He might be something lower, or something higher. Whatever his position, the so-called villein of the Weald occupied, I believe, an individual position towards his lord.

I have come across an example of a villein who was certainly in a fairly flourishing state, and whose condition seems to show one way in which tenure by copy of Court Roll was extended into the Weald without taking with it the fully organized village community. In 1261, during the vacancy of the See of Winchester, after the death of Bishop Aymer, the King's half-brother—while the temporalities therefore were in the King's hands—Nicholas Bulluc, a tenant in villenage on the Bishop's Manor of Farnham, died, and is recorded in the *Chancery Inquisitiones Post-Mortem*, 45 Henry III. A translation of the record follows at the end of this article. Nicholas was a tenant in two different ways. He held two virgates

of land, *de antiqua tenura*. Two yard-lands, after the common fashion, no doubt, in the Common Fields of the Manor of Farnham. For these he did very extensive services, as we see by the return, mowing, reaping, ploughing, carrying, fencing, and so on, and also paid ten shillings a year and two pence for wood-penny. But his services imply that he possessed plough oxen, a horse or horses, a cart, servants, a shepherd, and therefore a flock. He need have done very little personal service, for so long as the service was done it did not matter whether it was done by himself or by his men. Only to the lord's great harvest he had to come *tota familia*, except his wife, his shepherd, and some female servant, feminine but otherwise illegible, I suspect his dairymaid. Over and above these two yard-lands, he held 32 acres and more *de nova terra* for a rent of eighteen shillings and fourpence a year, and no other service.¹

Here Nicholas was merely a small tenant-farmer. Hence would come some of the resources whence he did his services for the old land. Here, if he lived on it, he would be in the position *unius villani*, for his tenure here was no doubt unfree. *Nova terra* can scarcely mean anything except land brought newly under cultivation, since the old conditions of tenure in the originally cultivated lands had been fixed. Nicholas was a sort of pioneer, or backwoodsman; he or his ancestor before him had pushed out into the wilderness, extending the limits of civilization. As the early settlers by the Hudson or Susquehanna took with them the main features of English land-holding in their own time, but yet did not reproduce it exactly, so Nicholas and those like him carry on part of the system of their time. His farm is a yard-land still, of the normal aggregate size of the strips of a villein-

¹ In Tilford, now a separate manor but once part of Farnham, lying some miles south of the town towards the Weald, *nova terra* probably, there were lately, if there are not now, small copyhold farms of from 30 to 33 acres, still called Yard-lands: as I am told by Mr. Martin Ware, Lord of the Manor.

holding dispersed about the Common Fields. But this yard-land is surely like a Tilford yard-land of yesterday. Indeed, unless, which is unlikely, a whole company of emigrants were sent out from the ancient land to colonize the Weald, it is hard to imagine how the Common Field system could be reproduced as the Weald became cultivated. The system did not die in its old seats till the nineteenth century, but it is quite likely that it was recognised as being antiquated and no longer desirable for reproduction, in the thirteenth century, or in the twelfth, when, as I judge from the mention of new manors and new parishes, the extension of population into the Weald was taking place.

An analogous case is given by Professor Maitland and Mr. Baildon in the fourth volume of the Selden Society's publications.¹ On the Bishop of Ely's Manor of Littleport new holdings were created in the fen, as it was gradually reclaimed. Some of these, the authors think, were freehold; but others were held by men who held villein lands elsewhere in the manor. All alike paid a money rent, but about 1*d.* an acre instead of the high rent paid by Nicholas Bulluc. I hope his farm was on the good land near Tilford or Frensham, on the banks of the Tilford river. But he represents, no doubt, the better class of cultivators of the "new land," taking it up as a commercial speculation. When the lord, through his bailiff, undertook the extension of cultivation for himself, his labour might be provided by a transference of unattached labourers with no fixed duties on distant demesne land, but at the best mere cottagers, at the worst chattels of the lord's, to be bought and sold like the bondmen of 1547. But would an eleventh century official have described them as *villani*? Were they not rather *bordarii*, or even *servi*?

¹ *Selden Society, The Court Baron*, p. 109.

CHANCERY INQ. P.-M. 45 H. III.

NICHOLAS BULLUC.

Inquisitio facta apud Farnham die Jovis in festo S. Augustini, &c. &c.—The Jurors say on oath that Nicholas Bulluc held of Aymer, late bishop elect of Winchester, brother of our lord the king, two yardlands of land of the ancient holding (*duas virgatas terrae de antiqua tenura*), by paying there every year 10 shillings and twopence for wood-penny. Moreover he mowed in the meadow of the lord with one man for one day, and had twopence half-penny, and loaded and carried in the said meadow by the aforesaid customary service. Also for the storing of the lord's corn he had to find two men for two days, and they had their food. Also for cutting the lord's corn he had to find four men for "Cuttederip"¹ for one day, and he had a right to their food. Also for "Reverip,"² he had to find two men for one day. Also to the great "Bederip"³ of the lord, he had to come with his whole household, except his wife, his shepherd, and his (*illegible*, but feminine), and they had their victuals at the lord's hall. At "Nedrip"⁴ he had to cut an acre and a-half of corn, and had no food. And he carried the corn of the lord with his neighbours, and had nothing for such service. And at "Laghewudringe"⁵ against the Christmas feast, he had to carry brushwood with one cart for one day, and against the Easter feast for one day with two carts. Also against the coming of his lord he had to carry brushwood with his neighbours, and against the coming of our lord the king, and of the queen, and in like manner against the time of the coming of bishops.

¹ Possibly a corruption, after the meaning of "rip" had been forgotten; tautological clearly.

² Literally, "the Reeve's cutting."

³ The lord's harvest.

⁴ Perhaps a jingle of sound with Bederip, the harvest of need, with no food.

⁵ The collection of fire-wood.

Also he had to plough one acre for his lord at the time of the winter sowing, and had for his food twopence half-penny. And at Nedhurste,¹ at the same sowing, he had to plough an acre and a-half without food. Also at Nedhurste, at the Lenten sowing, he had to plough one acre without food. And if he had his own plough and team, he had to plough one acre (in addition?), and for his food on the day he had twopence half-penny. Also at "Dust-hegginge,"² if he had his own horse, he had to harrow with his own horse for one day till the ninth hour. Also he had to thresh once a year one quarter of grain and half-a-quarter, and had to carry that corn to the nearest market for sale. Also he had to fence the meadow of the lord of Farnham, when necessary, a length of eight perches, without food. Also he had to make good the Borough hedge for one perch, when necessary. Also he had to pay pannage, at the rate of a penny for a pig of over a year old, and a half-penny for a young pig. Also, according to custom, he gave the park keeper a bushel of oats. Also he had to do cart-service (*averagium*), namely, carting the lord's meat³ with his cart from the said manor for one day's journey. This service did the said Nicholas Bulluc for the said two yard-lands of land.

Also the said Nicholas Bulluc held of new land (*de nova terra*) of the said Aymer 32 acres and more, by paying from the annual produce eighteen shillings and fourpence, and no other service. They also say that he held nothing of anyone else. Also that the aforesaid lands are in their total value worth forty shillings a year.⁴ His heirs by the custom of the manor are Richard de Coterfold, aged 35, and Christina, daughter of Matilda of Batsote (Badshot), aged 18.

¹ A place.

² Harrowing time.

³ *Cibus*, meaning, I suppose, the farm produce sold off the manor.

⁴ To the lord, rent and services combined.