

IX.—THE ANCIENT FARMS OF NORTHUMBERLAND.¹

A PAPER FOUNDED PRINCIPALLY UPON MANUSCRIPTS IN THE
POSSESSION OF MR. WILLIAM WOODMAN, OF MORPETH.

BY FREDERICK WALTER DENDY.

[Read on the 27th day of September, 1892.]

‘Nam huc pertinet praeclara nostri poetae sententia :—
Laudato ingentia rura, exiguum colito.’

THE manor and the township are both descended from one archaic parent, the village community.²

At an early date the manor became the nucleus of agricultural and landowning rights and duties ; and the parish, a later institution, has since become, for most purposes, the administrative unit of imperial and county machinery. The township has thus been bereft of much of its ancient vitality and importance, but as a landmark of past history it has more value than either the manor or the parish. For whilst grants of the Crown and transactions between landowners have influenced the extent of manors, and whilst ecclesiastical requirements have determined and varied the limits of parishes, the present boundary line of the township is still in most cases identical with the original metes and bounds of the rural colony who peopled it from pre-historic times.³

¹ I had completed the outline of this paper and prepared the appendices to it before I knew that the bishop of Peterborough (then canon Creighton of Embleton) had written a paper founded largely upon the same materials, which paper, under the title of ‘The Northumbrian Border’ was read by him at the annual meeting of the Archaeological Institute, at Newcastle, in 1884, was published in *Macmillan's Magazine* for October, 1884, was also published with appendices in the *Archaeological Journal*, vol. xlii., and was reprinted as a pamphlet, which I am informed is now scarce.

² Gomme's *Literature of Local Institutions*, p. 171.

³ A parish is a precinct within a diocese (*Selden*, p. 80). Several townships may be contained in the same parish (Comyn, Title, *Parish*) and, *per contra*, several parishes may exist in one township (*Fleta*, 4, c. 15, s. 9.) As to the institution and gradual increase of parishes and parish churches, see Kennett's *Parochial Antiquities*, vol. ii. p. 269. “The term manerium seems sometimes used for the whole honour, hundred, or holding of the chief lord ; sometimes for a single holding, whether or not commensurate with a vill or township, held of a chief lord ; sometimes for a collection of such holdings which their lord for convenience had treated as one manor, holding the courts for all in one of them, sometimes merely a dwelling or mansion house, as in ‘Stanmore Abbas Johanne manerium construxit’ ‘Manerium de Kyverdale fuit integraliter combustum.’

The village of each country township was, up to recent times, to a large extent independent of the outer world; for it was isolated by the difficulties of inter-communication and was self-supplied with all the necessaries of life. Its fields and live stock provided food and clothing, its wastes timber for building, and turves for fuel.⁴ The women spun the yarn and wove the clothing, and the men tanned the hides of the slain cattle in the village tan vats, and made them into breeches for themselves⁵ and harness for their beasts of draught.⁶ Each township had its mill and bakehouse to which the inhabitants were bound to bring their corn to be ground and their dough to be baked, and it was a treasured and exceptional custom of the favoured burgesses of Newcastle-upon-Tyne in the reign of Henry I. that each burgess might have his own oven and his own hand-mill, saving the right of the oven of the king, the lord of the manor of Newcastle-upon-Tyne.⁷

A few years since, a theory prevailed that the communities settled in the townships of England were, at the outset of the history of the English in this island, free communities, which gradually degenerated into the serfdom of the middle ages.⁸ That theory has been shaken by the researches of Seebohm⁹ and De Coulanges,¹⁰ who have traced the existence of these village communities in a state of serfdom back to the time of the Roman occupation of this island. These writers advocate the view that the origin of the Norman manor and the Saxon township is to be found in the rules which regulated the serfs and colonists attached to the Roman villa. The fact that the two-field and three-field systems, which prevailed in England on manorial estates from the earliest times have never been at all general in the corner of the continent from which the English came, supports the

In the vill we have the township, which the bishop of Chester treats as the unit of the Anglo-Saxon polity, and which had in itself public duties in criminal administration apart from any relation to a lord. The goods of fugitives were to be delivered 'a la ville pour nous en respondre.'" *Scrutton on Common Fields*, 12.

⁴ Prothero's *Landmarks*, 2. Ashley's *Economic History*, 35.

⁵ Dr. Jessop, *Nineteenth Century*, June, 1892, p. 972.

⁶ An old lady I knew in Lincolnshire always made her own soap in the early days of her housekeeping, and on many farms in Norfolk the wood-ashes are still saved to scour the dairy utensils.

⁷ *Acts of Parliament of Scotland*, i. 33, 34. Stubbs's *Select Charters*, p. 112.

⁸ Green's *The Making of England*, p. 182.

⁹ Seebohm's *Village Community*, p. 438.

¹⁰ *The Origin of Property in Land*, by Fustel de Coulanges, p. 150.

supposition that the village community, as found in this island, did not originate with these immigrating English settlers.¹¹ But instead of ascribing the township organisation of agriculture to the Romans, many have recently thought that it originated in the relationship which existed between the Celts and the pre-Aryan aborigines of these islands before the Romans appeared on the scene; and that Rome left the village communities of Celtic Britain as England would leave the village communities of the India of to-day 'untouched in their inner life, but crystallized in their form by pressure from without, and that the after-arrival of the Teutons affected the inner life of those communities, but did not affect their outer shell.'¹²

The importance of the customs of these ancient communities to students of history and of social science has only been fully realised during the latter half of the present century. The study of the subject was started in Germany by Maurer and Nasse,¹³ was continued in England by Sir Henry Maine¹⁴ (who brought to bear on the subject his knowledge of similar communities in India), in France by Fustel de Coulanges,¹⁵ and in Russia by Kovalesky¹⁶ and Vinogradoff.¹⁷

'They call for the historic page,
 The truths of many a doubtful age,
 Thus are their useful labours shewn,
 New lights on darkling times are thrown,
 And knowledge added to our own.'¹⁸

The clear and exhaustive investigations of Mr. Seebohm, narrated in his *English Village Community*, and the descriptions of other modern writers,¹⁹ have made us now well acquainted with the general outlines

¹¹ Hanssen, quoted by Seebohm, 372, 373, and Ashley's *Economic History*, 15.

¹² Gomme's *Village Community*, 292, and see Lewis's *Ancient Laws of Wales*, 201, 236. From an article by Mr. Seebohm on 'Villeinage in England' contained in the *Royal Historical Review* for July, 1892, it would appear that he himself is now modifying towards this direction the views on the subject which he expressed in his main work in 1883. See also the account of the early land tenures of the Celtic inhabitants of Scotland contained in Skene's *Celtic Scotland*, vol. iii.

¹³ A list of the principal German works on the subject is set out in Appendix II. to Maine's *Village Communities in the East and West*. See also Sir R. Morier's description of the German Communities in his report to the Government in 1869, republished by the Cobden Club in a work entitled *Systems of Land Tenures in various Countries*, p. 243.

¹⁴ *Village Communities in the East and West*.

¹⁵ *The Origin of Property in Land*.

¹⁶ *England's Social Organization at the Close of the Middle Ages* (in Russian). *Modern Customs and Ancient Laws of Russia* (London, 1891).

¹⁷ *Villainage in England*.

¹⁸ *Death and the Antiquaries*.

¹⁹ For the latest accounts see especially Ashley's *Economic History*, vol. i. pp. 5-68; Vinogradoff's *Villainage in England*, p. 224 *et seq.*; Prothero's 'Land-marks in British Farming,' *Agricultural Soc. Journ.* vol. iii. 3rd series, pt. I.

of the open field system of husbandry : a system which prevailed in this country from pre-historic times down to the end of the middle ages and lingered in many parts of England well into the present century.²⁰

Whilst the main features of the system generally have now become so well known as to need no further explanation, a desire still exists for information as to its prevalence in particular localities, and as to local variances in custom and nomenclature which may possibly throw new light on the subject as a whole.

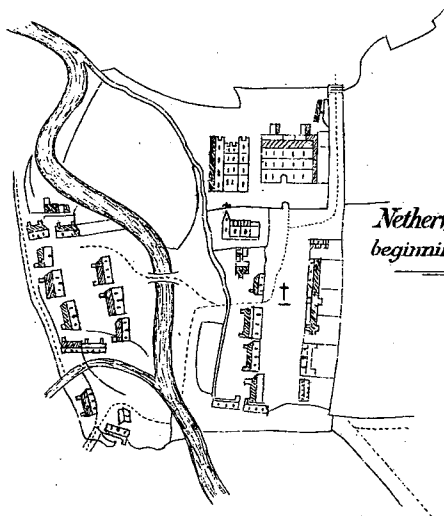
Workers in every county are utilizing the information which may be gathered from local records with regard to the characteristics of the village life of its former inhabitants ; and it is with the view of placing before the notice of those interested in such matters in Northumberland the materials which Mr. Woodman has collected upon this subject, that he has asked me to write upon it a paper to be read before this Society.

In doing this I must, for the sake of making myself plain, go over much ground that has been trodden before, both upon the subject generally and upon its local application. Although many of our members have interested themselves in the topic, very few papers have been read and very few discussions have taken place upon it. To some members it may even be new in some of its elementary propositions. If, therefore, I can pave the way for future original papers and discussions founded on fresh local knowledge there will be reason as well as excuse for my taking but little for granted in presenting the subject to your notice.

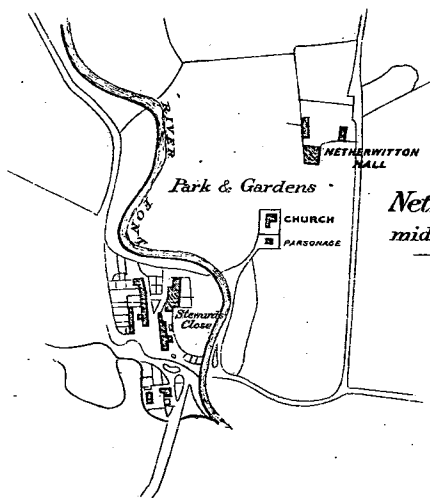
Whether the village communities of which we have been speaking were formed of originally free or originally servile cultivators, and whether their system of husbandry was organized under compulsion or by voluntary effort may be doubtful, but there is no doubt that the vast majority of the tillers of the soil were in a state of serfdom at the commencement of the time covered by extant written records in England. The villans, or customary tenants of the village lands, laboured not only for themselves but for a lord in authority over them.

²⁰ Nasse's *Agricultural Communities of the Middle Ages*, pp. 6, 84. Interesting particulars of the somewhat similar communal system of co-operative agriculture still existing at the present day in Russia will be found in Wallace's *Russia*, 4th edition, vol. i. pp. 144 and 179-209.





*Netherwitton Village in the
beginning of the 18th Century*



*Netherwitton Village in the
middle of the 19th Century*

In Northumberland, as elsewhere, the township in the middle ages almost invariably possessed the following characteristics. There were in the village the houses of the cultivators with little garths adjacent to them. As yet there were no isolated farmhouses, such as we see in these days scattered here and there among the fields. They belong to a later period, for their establishment and erection followed upon the subsequent enclosure of the open fields and commons.

Near the clustered houses of the cultivators stood the village church (if the township was also a parish), the village mill, and the hall or castle of the lord or chief landowner or of his bailiff. This hall or castle was the *maenor* or *plas* of the Celts,²¹ the *aula* of the Romans, the *hall* of the English, and the *manoir* of the Normans.²²

Beyond and around the village was the arable land, divided into great fields or flats, usually three in number. In that case they were worked on a three field rotation of crops, one being appropriated for autumn sown corn (*i.e.*, wheat or rye), one for spring sown corn (*i.e.*, barley or oats), or for peas and beans, and one was left fallow.²³ These fields were again sub-divided into *furlongs* or *squares* or *shots*, placed very often at right angles to each other, with *headlands* or *head-riggs* between them, on which the plough turned, and by which access was gained to these smaller areas. Each furlong was divided into acre or half acre strips, separated from each other by *balks* of unploughed turf,²⁴ and these acre or half acre strips were usually known in the south as *sellions*²⁵ or *stitches*,²⁶ and in Northumberland, Scotland, and Ireland, as *rigs*.

²¹ Lewis, 230-233. The address 'Manor Hall Place,' not unfrequently met with, is a pleonasm similar to that contained in the name 'Derwent-water Lake.'

²² Le manoir, maison, mesure, avec la cour & jardin doit de relief trois sols pourvû qu'il ne contient plus d'une acre; & s'il en contient moins, il doit pareillement trois sols. *Coutumes de Normandie*, 1585. Article 159. Le vieux manoir de Turdy, édifice élégant dans sa force. George Sand's *Mademoiselle de Quintinie*, p. 7.

²³ A two field system is also found very often, Vinogradoff, 255. Canon Taylor in 'the Ploughland and the Plough' (*Domesday Studies*, 144) and Mr. Prothero (*Landmarks of Farming*, p. 10) think that the two field course was the more ancient. In the manor of Milton in Cambridgeshire there were four common fields. The three field system was the prevailing one in Northumberland, at any rate in the late middle ages.

²⁴ In a terrier for the manor of Milton the furlong is used as a superficial measure, each furlong containing 20 acres. These furlongs were therefore oblong in shape, as a square furlong would contain 10 acres.

²⁵ Milton terriers of 1599, 1637, and 1707. *Penes J. P. Baumgartner, esq.*

²⁶ Lewis, 493.

Where the strips were acre strips they were usually a furlong or furrow long (220 yards) in length and 4 rods or perches (22 yards) in breadth, and where they were half acre strips they were still usually a furlong in length, but they were only two rods instead of 4 rods in breadth. Except in counties where the customary acre differed in size from the statute acre the common field acre corresponded with the statute acre fixed by the ordinance of Edward I., which declared that 40 perches in length and 4 in breadth make an acre, and a ploughman still measures his acre in the same way, for he will tell you that eleven score yards long and 22 yards broad make up the acre that he ploughs.

The strips were distributed in equal proportions amongst the cultivators in such a manner that each man's holding was made up of a number of acre or half acre strips lying apart from each other in the several square or oblong furlongs of which the three fields were composed, and these strips were so dispersed amongst similar strips held by his neighbours that no man, while the system remained intact, held two contiguous strips. Each individual holder was bound to cultivate his strips in accordance with the rotation of crops observed by his neighbours, and had rights of pasture over the whole field for his cattle after the crops were gathered.

Besides the three arable fields there was usually attached to each township a meadow called a *lot meadow*,²⁷ a *lammas meadow*²⁸ or *leazes*.²⁹ This meadow was divided into portions by lot, or rotation, for the purposes of hay harvest and after that time was thrown open for the cattle to graze upon it. In most cases there was also, beyond the arable fields and meadow, a large space of uncultivated ground consisting of woodlands and rough common, into which the cattle of the cultivators were turned either *without stint* or *stinted*; or, in other words, restricted to number of cattle, sheep, and horses, proportioned to the extent of each man's holding. This wild ground also afforded to the cultivators turves for fuel, heather for thatching and bedding

²⁷ Scrutton, 3. ²⁸ Seebohm, 11. Vinogradoff, 260

²⁹ Lord Coke says 'leswes' or 'lesues' is a Saxon word and signifieth pastures. In a Jesmond deed dated 1667 occurs the expression '5 riggs or leazes of ground and 3 riggs or leazes and one tongue or half rigg of ground lying in a place called the Long Fridaries in Jesmond Field.' See also 'leys of land lying in the Shieldfield,' Welford's *Newcastle*, ii. 172; 'les rigges in the Shieldfield,' Welford, ii. 258. In the Saxon version of the *Rectitudines* (ancient laws, etc., Record edition, 188) common pastures are called *gemæne læse*.

and *house bote*, *hedge bote*, and *plough bote*, that is material for repairing their houses, fences, and ploughs.

The full number of strips in the open arable fields which belonged to each customary homestead in the village, with the meadow and common rights also appurtenant to it, was called throughout England a *yardland*, in Dorsetshire a *living*, meaning the holding of a family,³⁰ in Kent³¹ and Essex³² a "*wista*", in Cambridgeshire a "*full land*,"³³ in the North of England and in Scotland a "*husband land*,"³⁴ or a "*whole tenement*,"³⁵ and in Northumberland and in the North of Durham a '*farm*' or '*farmhold*.'³⁶

The number of acres in the arable fields constituting such a yardland varied in different localities. There seems to be a general consensus of opinion that 30 acres was the most usual quantity.³⁷ The author of Sheppard's *Touchstone*, who wrote at a time when this form of holding was common throughout England, states that 'in some countries it doth contain 20 acres and in some countries 24 acres, and in some countries 30 acres.'³⁸ In Littleport a 'full land' contained 12 acres,³⁹ and Professor Vinogradoff⁴⁰ gives instances of other quantities, varying from 15 to 80 acres, as the normal holding, but states that 30 acres is perhaps the figure which appears more often than any other.

Some of the cultivators held only a *half-land* or *bovate* or *ox-gang*, which was half a yardland; and according to the Boldon Book for the estates of the bishop of Durham (1183) as quoted by Mr. Seebohm⁴¹ there were in Boldon 22 *villani*, each holding two bovates, amounting together to 30 acres each; whilst at Whickham there were 35 *villani*, each of whom held one bovate or ox-gang of 15 acres.

In almost every township there were also a few cottagers holding each a cottage and a smaller number (usually from 2 to 5) of acres in

³⁰ Lewis, p. 493. ³¹ *Cust. Batt.* xiii.

³² Spelman's *Glossary*, Title 'Wista.' The word is probably the same as the British word, *Guesta*, meaning the amount of food or money in lieu of it payable to the lord of the manor. *Domesday Studies*, vol. i. 271.

³³ Maitland's *Court Baron*, p. 109.

³⁴ Seebohm, p. 61. *Scotch Legal Antiquities* by Cosmo Innes, p. 242.

³⁵ Ovington deed of 1607.

³⁶ As to Northumberland, see the instances cited in Appendix A. Westoe and Harton in North Durham paid their church rate to Jarrow by the number of farms at which they were rated in the old parish books until after the year 1810. Nicholl's *Collectanea*, vol. ii. p. 46.

³⁷ Seebohm, 27. ³⁸ Preston's edition, 93.

³⁹ Maitland's *Court Baron*, 108.

⁴⁰ P. 239.

⁴¹ P. 69.

the arable common fields. The holder of a yardland contributed two oxen to the ploughing of the common fields, including those strips that were in the hands of the lord as part of his demesne or home farm ; the holder of a half-land or ox-gang contributed one ox for the same purpose ; whilst the services of the cottagers never included ploughing, since they did not possess oxen,⁴² but they paid rental in eggs and poultry, and contributed a share of weekly labour.

Where the strips were stunted by abutting upon some obstacle, such as a river⁴³ or highway, they were called *butts*. The term is common throughout England and in Northumberland. There were butts in the west common field of Corbridge⁴⁴ and North Butts and South Butts in the common fields of Elswick.⁴⁵ There were also butts in the fields of Jesmond.⁴⁶ There was a close called the Eight Butts in Westgate in 1801⁴⁷ and numberless other instances might be cited.

Where the strips were compelled from the lie of the land to taper, or, in other words, to assume a wedge-like shape, they were called *gores*, a term which still survives in dressmaking and wooden ship-building. One of the common fields of Benwell, next the Scotswood, was called Gore Flatt.⁴⁸

Besides the number of acre or half acre strips, making up the quantity which each cultivator held in the arable fields, he had also his proportionate share of the meadow strips or *hay bounds* (which were enclosed up to hay-harvest and were afterwards thrown open for pasture) and of common in the waste, so that if there were, say 10 full tenements in the township, and the township consisted of, say, 2,000 acres, the holder of each tenement would (although he might probably hold only 30 acres in the cultivated fields), have an interest, subject to the rights of the lord of the manor, in 200 acres altogether of arable, pasture, wood, and common, forming in the whole a tenth part of the entire township.

Amongst the manuscripts in the possession of this Society is an account by Mr. Hodgson Hinde of the township of Ovington. Speaking of its condition in the seventeenth century he says :—

⁴² Ashley's *Economic History*, p. 10.

⁴³ 'Et habebunt istas buttas usque ad filum aquæ prædictæ.' Record quoted by Cowell, Title, *Filum aquæ*.

⁴⁴ Corbridge Enclosure Book.

⁴⁵ Elswick deed of 1722.

⁴⁶ Jesmond deed of 1677.

⁴⁷ Westgate deed of 1801.

⁴⁸ Augmentation Office Record, 1650.

The homesteads of all the farms within the township were situated in the village of Ovington, with two exceptions, Ovington Hall and Wellburn. Ovington Hall lay almost contiguous to the village, but the land which belonged to it was generally enclosed and divided from the rest of the township. The lands of Wellburn were partly enclosed and partly intermingled with those of other proprietors. With the exception of some small garths and crofts adjacent to the village of Ovington the remainder of the township was undivided and consisted of two portions: the town fields, containing about 600 acres, and the common pasture, containing upwards of 100 acres, which was called the Ox-close. Besides this the customary tenants of Ovington (who had acquired the freehold of their holdings by purchase from the Crown's Escheator after the attainder of the earl of Westmorland) had a right of common, jointly with several other townships, on an extensive tract of open land called Shildon common, containing between 1,600 and 1,700 acres. The Ox-close lay to the north of the town fields and was divided amongst the freeholders about the year 1680. The town fields consisted of three portions—the Low Field lying between the River Tyne and the road from Ovington, the Middle Field and the North Field; the two latter lying between the Low Field and the Ox-close and separated from each other by an occupation road called 'Fallow Field Way' leading eastward from Ovington towards Whittle Dene.

In 1708 these town fields were divided by commissioners appointed by the freeholders. In 1749 an Act of Parliament was passed for dividing Shildon common and the proportion thereof falling to Ovington township was also awarded amongst the freehold landowners of Ovington so that the acreage of the original whole tenements which consisted of 21 acres each⁴⁹ of arable land was increased proportionately by the division of the ox-close or common meadow in 1680 and again proportionately by the division of the common or waste land in pursuance of the Enclosure Act; since which time the land of the township has all been held as enclosed land, cultivated according to the present methods of husbandry.

To come still nearer to Newcastle, there were in Elswick, in the reign of James I., ten whole tenements, and there appertained to each of them 2 acres of meadow ground and 24 acres of arable land, 6 ox-gates and 2 horse-gates in a several pasture, 6 beast-gates 'on the moore' and 'for 30 sheep there.'⁵⁰ The same survey as to Benwell states that:

All the said tenants being xv in all, and xv entire farms, doe holde to everye tenant particularye as followeth: a house, a barne, and a garth, arable land 20 acr., meadowe land 2 acr., pasture gates for vi oxen vi young beasts two horses and xx^{the} sheepe.

⁴⁹ Ovington deed of 1588. ⁵⁰ Land Revenue Office Survey, Northumberland, Jas. I.

This survey states another interesting fact as to the tenants of Benwell, namely that the fishings and mills were not, as is usual, in the hands of the lord, but that the tenants held in their occupation 'by ancient custome' the fishings on the Tyne and the water corn mills at customary rents which they equally divided amongst them, and these rents were added to the rents of their farms. The customary tenants of the historic manor of Aston and Cote in Oxfordshire had in 1658 similar fishing rights.⁵¹

No map has been published showing the common fields and the acre strips in them for any township in Northumberland. Good examples of such maps are to be found in Seeborn's *Village Communities* for the township of Hitchen in Hertfordshire,⁵² and in Canon Taylor's *Domesday Survivals* for Burton Agnes in Yorkshire.⁵³ Mr. R. R. Dees, one of our members, has in his possession a manuscript map showing the common fields and common field strips for a township in Durham county, and Mr. R. O. Heslop, another of our members, has in his possession a similar manuscript map for the township of Corbridge in Northumberland. When the Corbridge enclosure award was made in 1777 four half acre strips, lying side by side, were apportioned to different owners, and have been separately cultivated as half acre strips up to the present day. I produce for your inspection 'a survey of these four strips as they appear in the year 1892.'⁵⁴ It will be observed that they are approximately a furlong in length and 2 rods in breadth, and although they are only half acre strips you will see that they are wider than the 'rigs' or 'sam-casts'⁵⁵ used for drainage purposes in enclosed fields. It will also be observed that there are wide grass balks separating each strip from the others, and that each strip instead of being straight has a double curve giving it an S shape, which is much more apparent when the strips are actually viewed in perspective. These bends, which have been remarked upon by several writers on the subject, are due apparently to the swerve of the plough-oxen in the centuries of continuous ploughing which the strips have undergone,⁵⁶ and the sweeping curves to be found in the hedges of our oldest country

⁵¹ Gomme's *Village Communities*, 136.

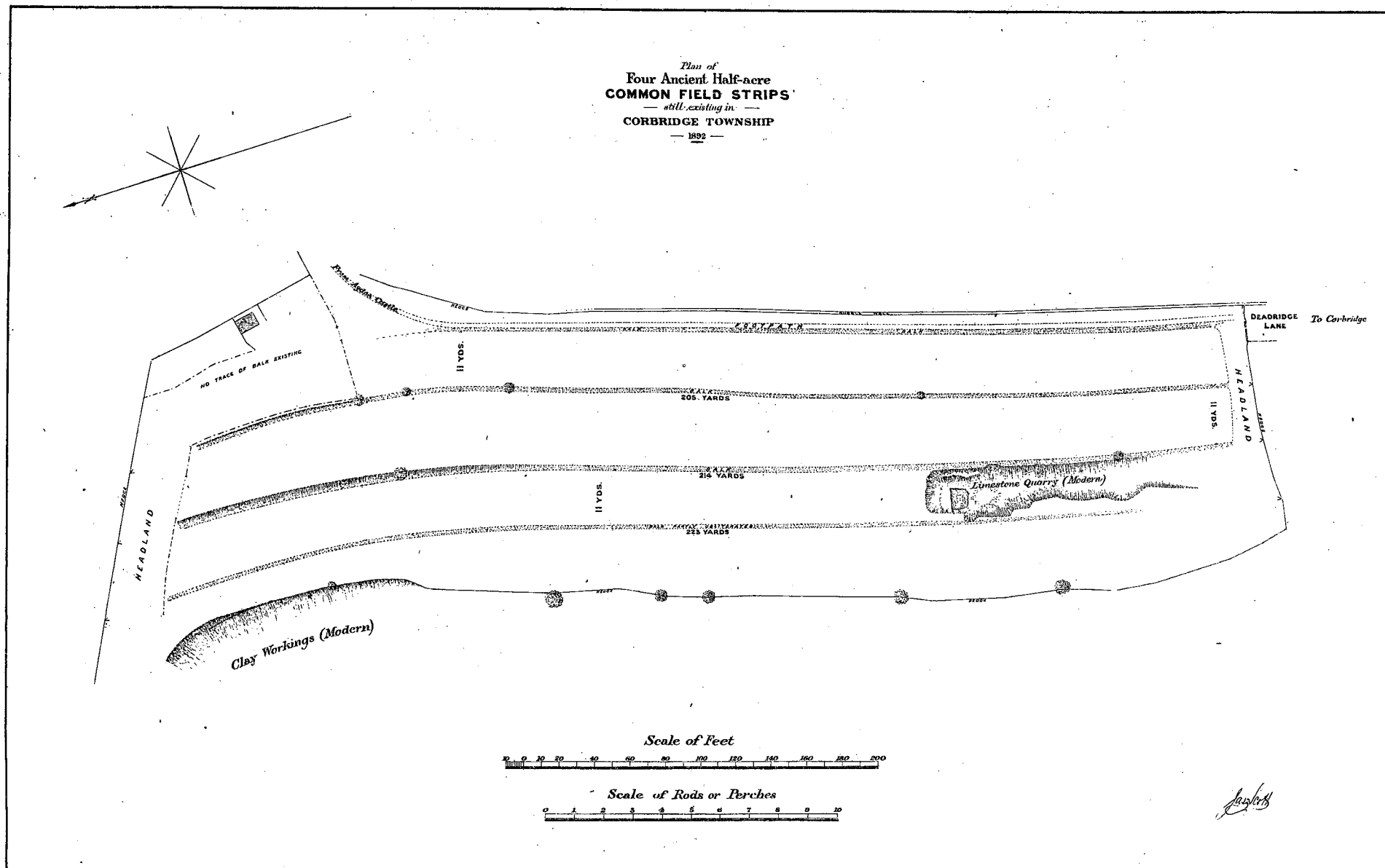
⁵² Frontispiece and facing pp. 6 and 28.

⁵³ *Domesday Studies*, vol. i. p. 54.

⁵⁴ Kindly prepared for me by Mr. Scott of Corbridge.

⁵⁵ See Mr. Baty's letter in the *Newcastle Weekly Chronicle* for the 4th of June, 1892.

⁵⁶ *Domesday Survivals*, p. 61.



lanes and enclosed fields, are doubtless, in most cases, a perpetuation of the trend of the acre strips, whose course they followed. The two westernmost strips have, unfortunately for their continued identification, recently come into possession of one owner (Mr. Straker) and the balk between them is consequently being ploughed away and becoming indistinguishable. I think if the owner knew what old-world interest attached to them he would take measures for preserving what is still left of the dividing balk.

In the year 1832 Mr. William Woodman, as solicitor for the master of the Morpeth Grammar School, revived a Chancery suit instituted in the year 1710 to set aside an improvident lease which had been granted by the bailiffs and burgesses of Morpeth in 1685 to Nicholas Thornton, of lands in the township of Netherwitton, which lands had been made part of the endowment of the school on the dissolution of the chantry of Netherwitton in the reign of Henry VIII.

At the time the lease of 1685 was granted the lands of Netherwitton had been neither divided nor enclosed, and the portions belonging to the charity lay intermixed in the common fields. The family of Thornton, by purchases made both before and subsequently to the granting of the lease, became, in course of time, the owners of the whole of the rest of the township, and they had, previous to 1710, destroyed all traces of the boundaries of the charity lands, and enclosed and brought into cultivation the ancient arable lands, the meadow, and large portions of the waste and woodlands.

In order to recover the charity lands in the suit commenced in 1710 and revived in 1832, it was necessary to distinguish them from the rest of the land of the township, and under the circumstances it may readily be conceived that this was not an easy task. No such light had then been thrown on the common field system as now exists. Its historical importance had up to that time been almost entirely overlooked, and although scattered instances of the existence of the system still remained, they were, towards the end of the eighteenth century, and in the early part of the nineteenth century, looked upon as abnormal, and not as having been, as they have since been shown to be, the ancient universal method by which agricultural lands were held in this country.

Brand, the historian of Newcastle, writing his history in 1789 was evidently puzzled with the account of the Castle Leazes in Newcastle,

which he quoted from Bourne as follows :—⁵⁷

The place was formerly the inheritance of divers persons owners thereof, who were accustomed, from ancient time, to take the fore-crop thereof yearly, at or before Lammas Day, and after that, by an ancient custom, all the Burgesses of the Town used to put in their kine and used the same in pasture of them till Lady Day in Lent yearly and then to lay the same for meadow again until Lammas.

The Rev. John Hodgson, the learned historian of Northumberland, knew little or nothing of the subject when he was consulted upon it by Mr. Woodman ; and Kemble, the author of the *Saxons in England*, writing to Mr. Woodman in 1849 says :—

It was indeed little to be imagined that a system, whose details I had induced from such a heap of heterogeneous arguments, and from so many isolated facts, should be after all found to exist as it were under our eyes. I trust it is not only a feeling of gratified vanity and selfishness that causes me to rejoice at this confirmation of my view. It has quite given me much comfort and much strengthened my confidence in the methods and nature and results of my investigations.

Mr. Woodman found from the ancient grants and leases dating from before the time when the land was parted with, and from the evidence taken by commission in 1710, that the whole of the township of Netherwitton, at the time the lease was granted, consisted, and that in 1710, although it had then been enclosed, it was still deemed to consist, of $19\frac{1}{2}$ farms, and that of those $19\frac{1}{2}$ farms, $5\frac{1}{2}$ farms formed the charity estate which he was seeking to recover. It was his object to show that those $5\frac{1}{2}$ farms formed an aliquot proportion of the entire $19\frac{1}{2}$ farms into which the township was divided, or, in other words, that each of those $19\frac{1}{2}$ farms was of exactly equal value, and that he was therefore entitled, in respect of his $5\frac{1}{2}$ farms, to exactly $\frac{11}{39}$ of the total value of the entire township of Netherwitton, which was still, in 1832, held as one property by Mr. Raleigh Trevelyan. It had devolved on him through the marriage of Walter Trevelyan with Jane, the heiress of James Thornton.

Mr. Woodman was met at the outset by the difficulty that, at the time when he was reviving the suit, the word *farm* had in ordinary parlance no such equational meaning as that which he sought to attach to it ; and that it was, in 1832, used in Northumberland, as it was elsewhere in England, in the modern and general acceptance of the word, as expressing merely a parcel of land uncertain both as

⁵⁷ Brand, vol. i. p. 438.

to extent and value. There had even been so early as the beginning of the reign of Elizabeth a legal decision in a case of *Wrottesley v. Adams*,⁵⁸ laying down the general local acceptation of the word in England in a sense different from that which he sought to establish.

The definition in that case had been adopted by Lord Coke, and by the editors of all the law dictionaries published after that time. In that case Anthony Brown, (Justice) and Dyer, (Chief Justice) decided that farm was :—

A collective word consisting of a messuage with the lands, meadows, pastures, woods, common and other things appertaining to it, and that the messuage was not a common messuage and that the lands were not of the quantity of the other lands ordinarily belonging to the other messuages in the same township but was a chief messuage in the town, and that the lands belonging to it were of great demesne and more ample in quantity than the demesnes belonging to the other messuages.

Mr. Preston also, who was the great authority on conveyancing matters in the beginning of this century, added the following note to the above definition of the word *farm* where it occurred in his edition of Shepherd's *Touchstone*, published in 1820 :—‘ By the word *farm* is understood : ‘ Any such quantity of land in all its varieties and to any extent as are occupied by one tenant.’ I think perhaps he would have been still more correct if he had added the words ‘ at one rent.’

Mr. Woodman, however, made enquiries as to what had formerly been the meaning of the word *farm* in all the parishes lying around Netherwitton ; and he collected in support of his case a remarkable series of affidavits from the leading agricultural authorities connected with the parishes which stretched from Elsdon in the north-west to Tynemouth in the south-east of the county, showing that in all the townships of all those parishes the word *farm* had been used to denote an aliquot part of an entire township, and that each township consisted of a certain recognized number of these ancient reputed farms.

The witnesses who made affidavits to that effect in 1847 included many names well-known in the county of Northumberland. I may here mention those of William Forster of Burradon, Thomas Arkle of Elsdon, Middleton Henry Dand of Hauxley, Robert Swan of Bedlington, and Francis Brummell of Morpeth, and the names of other Northumbrian agricultural authorities carrying equal weight will be found set out in Appendix A.

⁵⁸ Plowden, 195.

Their evidence proved that 'Church Rates and Poor Rates, Land Tax, Parish Clerks' Fees, and Lord's Rents were assessed and paid by farms, each farm in every case contributing an equal sum, and that in some cases the custom was continued almost to the present day⁵⁹ that property was described in deeds as so many farms and parts of a farm, that commons were stinted and divided according to farms and parts of a farm which each proprietor of ancient land had ; and that the reputation of the meaning of the word as an aliquot part of an entire township was almost universal in the county. It was so used in terriers prepared by the collective wisdom of the parish in deeds of all kinds, in rate books, in court rolls, and proceedings in the Court of Chancery.'

Vice Chancellor Shadwell, the judge before whom the suit was tried, after carefully reading the affidavits, stated in court that they had convinced him that the word *farm* had been used in the county of Northumberland in a sense different from that which was usually attributed to it.

It is impossible in this paper to do justice to the evidence which was collected relating to each parish and township, but I have endeavoured to epitomise it in Appendix A. One affidavit on the point was so conclusive and valuable that I have thought it best to set it out in full in the body of my paper, both as an example of what the other affidavits are like and also because it possesses a peculiar interest of its own ; inasmuch as it speaks to facts which still affect many property owners in 1892. The affidavit is made by the late Mr. Cuthbert Umfreville Laws, who was then the deputy steward of the manor of Tynemouth. The value of this affidavit is enhanced by the fact that this division of townships into ancient farms still exists in theory in the transactions of the manor of Tynemouth at the present day. The copyhold tenants of that manor still pay annually the *hall corn rent* which represents the weekly work the original villan had to perform in ploughing for, sowing, and reaping the lord's corn ; commuted first into a corn rent and then into a money payment ; the *boon day rent*, which represents the additional services or precariae which they rendered—services generally acknowledged by the lord finding them provision upon the day they were so occupied ; and the

⁵⁹ The above sentence occurs in a brief written in 1847.

shire rent, which represents either the tenant's contribution to the payment for county purposes which was assessed upon the lord in respect of the entire manor, or possibly a rent payable for the right of pasturage on the Shire Moor, or possibly a rent payable by all the householders in the ancient shire of Tynemouth—for the parts of Northumberland known as Tynemouthshire, Hexhamshire, Norhamshire, and Bedlingtonshire, are supposed by some to be divisions of the ancient northern kingdom of Bernicia.

In surrenders and admittances which I have passed this year before Mr. Edward Leadbitter, the present steward of the manor of Tynemouth, copyhold land is still described as a quarter of a farm, meaning a quarter of the ancient holding of one customary tenant; and I venture to think that there are few instances still existing in any part of England where traces of the ancient village community are so practically impressed upon the transactions and dealings of so large and influential a number of nineteenth century property owners as they are in the manor of Tynemouth to-day.

Mr. Laws's affidavit is as follows :—

I, CUTHBERT UMFREVILLE LAWS of Tynemouth in the County of Northumberland, Gentleman, make oath and say that I am Deputy Steward of the Manor of Tynemouth in the said County of Northumberland that all surrenders of and admittances to the copyhold lands within the said manor are prepared by and passed before me and all customary payments to which the lord of the said manor as such is entitled are received by me, that the said manor comprises the several townships of Tynemouth, North Shields, Cullercoats, Chirton, Murton, Preston, Monkseaton, and Whitley in the parish of Tynemouth and Backworth and Earsdon in the parish of Earsdon. That the townships of Tynemouth, North Shields, and Cullercoats are of freehold tenure and consist principally of houses and buildings but all the other before named townships comprise considerable tracts of land held by copy of Court Roll and also portions of freehold land and each township consists of a certain number of antient farms, that is to say :—

Parishes.	Townships.	Farms.
Earsdon	Backworth... ..	10
	Earsdon	8
Tynemouth	Chirton East	5
	Chirton West	3
	Monkseaton	10
	Murton	4
	Preston	5
	Whitley	5

That the following payments are annually due from the copyhold tenants of the said manor and from time immemorial as I verily believe have been received by the lord of the said manor and are now received by me on his behalf that is to say 2s. 6d. per farm for 'Boon days' or 'days work money' for or in respect of each copyhold farm within the said manor, 32 bushels of bigg or barley and 16 bushels of oats for or in respect of each copyhold farm within the said townships of Earsdon, Monkseaton, Whitley, and Preston, 24 bushels of bigg or barley and 24 bushels of oats for or in respect of each copyhold farm within the said township of Chirton and 32 bushels of oats for or in respect of each farm in the township of Murton, all which several corn-rents become due and payable at Saint Andrew's day in each and every year, and are rendered or paid by each of such copyhold tenants by a money payment calculated according to the average price of corn or grain in Newcastle market on such day commuted for or in lieu of the quantity of corn or grain payable by him for or in respect of and according to the number of antient reputed farms or fractional part or parts of a farm of which his land consists, contributing for each such antient reputed farm the quantity of corn payable in respect thereof as hereinbefore mentioned or a proportionate quantity for any fractional part or parts of such antient reputed farms which he holds. And there is also due and payable by the said copyhold tenants an antient immemorial payment called 'Shire Rent,' each antient farm in the township of Earsdon and Monkseaton paying 20 shillings, those in the said township of Whitley 16s. 8d., in Preston 13s. 4d., in Chirton 18s. 8d., and in Murton 11s. 0d. The following schedule sets forth the mode in which these payments are made in the said township of Earsdon :—

Tenants.	Number of Farms or parts of a Farm held by each Tenant.	Hall Corn Rents. Half-year Payable at September, 1846.	Shire Rents. Half-year due 1846.	Boon Days. One Year due Michaelmas, 1846.
		£ s. d.	£ s. d.	s. d.
Hugh Taylor, Esq. ...	1 $\frac{1}{2}$	7 10 7 $\frac{1}{2}$	0 15 0	3 9
Peter Shield's sequels ...	$\frac{1}{2}$	2 10 2 $\frac{1}{2}$	0 5 0	1 3
Josh. Barker's heirs ...	1	5 0 5	0 10 0	2 6
Forster of Pigg's Charities	$\frac{1}{2}$	2 10 2 $\frac{1}{2}$	0 5 0	1 3
Charles Dalston's heirs ..	1	5 5 5	0 10 0	2 6
Rev. Ed. Parker's heirs ...	$\frac{1}{2}$	2 10 2 $\frac{1}{2}$	0 5 0	1 3
		25 2 1	2 10 0	12 6

Each of the farms in the following townships also paid a modus for hay tithe, which payment continued up to the commutation of tithes a few years ago, viz. :—

	s. d.
Earsdon	0 8 per farm in all.
Monkseaton	0 8 do.
Whitley	1 3 do.
Preston	0 8 do.
Chirton	0 8 do.
Murton	0 8 do.

And I further make oath and say that in all surrenders and admittances the land which is included in a surrender or admittance is stated to consist of so many farms or fractional parts of a farm and a fine of £4 for a farm, £2 for half a farm, and £1 for a quarter of a farm is paid to the lord on each surrender; the word 'farm' meaning such antient reputed farm as aforesaid. And I further make oath and say that in the year 1790 a certain Common called Billy Mill Moor was divided under the authority of an Act of Parliament passed in the 28th year of the reign of his late Majesty King Geo. 3rd intituled 'An Act for dividing, allotting, and enclosing a certain common moor or tract of waste land called Tynemouth Moor, Shire Moor, Billy Moor, or Billy Mill Moor, within the manor of Tynemouth otherwise Tynemouth Shire, otherwise Tynemouth with Tynemouth Shire, in the County of Northumberland,' and that the said common was divided among the proprietors of such antient reputed farms as aforesaid; a certain value of the unenclosed lands being awarded to or on account of each antient reputed farm and so in proportion for a fractional part of such antient reputed farm.

And I further make oath and say that the paper writing hereunto annexed and marked with the letter 'A' and signed by me contains a true and correct extract from the original award made in pursuance of the said Act. And I further make oath and say that the number of the said antient farms which is comprised in each of the said townships is perfectly well known and notorious and I have often heard of the same from divers old inhabitants of the said parishes. And that in all the said payments, surrenders, and admissions and division of Common each antient farm was considered as being one of several portions of land of equal value of which each of the said townships consisted, although the relative value of these is no longer the same, changes by cultivation increase of population and other circumstances in the course of years having completely changed this and these antient farms have no relation to the farms as now held and that the word 'farm' as used in all these matters and proceedings was used in a sense totally and entirely different from the modern and general acceptance of the word as expressing a parcel of land uncertain both as to extent and value. And I further make oath and say that I have been informed and verily believe that the word 'farm' was formerly generally used in the County of Northumberland as one of several parts of a township of the same value.

The evidence was ample that the word *farm* was used in the county to express an aliquot part in value of a township, and that a *farm* was one of the several portions of land of which a township consisted, each one of such portions having originally been of equal value. But the question naturally arose how such an equalization could have existed in spite of all the differences in the value of the soil in any one township. The Continental and English works which now exist upon the subject, and which would so fully have explained this point, were not then in existence, but evidence was found that the

township of North Middleton in the same parish of Hartburn (of which Netherwitton was a chapelry) had only been enclosed as lately as the year 1805, and that up to that time it had remained undivided both in tillage and pasture ground, and had been occupied in common, each proprietor's share or interest being estimated by the number of ancient farms, or parts of a farm, of which his land was known to consist. Evidence was adduced in the suit to the effect that prior to the division and enclosure of that township in 1805 it had been customary for the proprietors or their tenants to meet together from time to time and re-divide or re-allot the tillage and meadow-land amongst themselves in proportion to the number of farms to which they were entitled, and after the Chancery suit had been determined and compromised Sir W. C. Trevelyan copied from the documents in the muniment room at Wallington, and gave to Mr. Woodman, the following account extracted from a case laid before counsel with regard to the undivided North Middleton land:—

CASE.

The township of North Middleton in the parish of Hartburn in Northumberland consists of 14 ancient farms comprising about 1,100 acres of arable meadow and pasture land.

The Duke of Portland is proprietor of 10 of these farms; Messrs. James George & Robt. Hepple of $1\frac{1}{2}$ of a farm; Lord Carlisle of 1 farm; Wm. Hodgson, Esq., of $\frac{1}{2}$ of a farm; John Arthur of $\frac{1}{4}$ of a farm. In all 14 farms.

The sesses and taxes of the township are paid by the occupiers in proportion to the number of farms or parts of farms by them occupied.

These farms are not divided or set out, the whole township lying in common and undivided except that the Duke of Portland has a distinct property in the mill and about ten acres of land adjoining and that each proprietor has a distinct property in particular houses, cottages, and crofts in the village of North Middleton. The general rule of cultivating and managing the lands within the township has been for the proprietors or the tenants to meet together and determine how much and what particular parts of the lands shall be in tillage, how much and what parts in meadow, and how much and what parts in pasture, and they then divide and set out the tillage and meadow lands amongst themselves in proportion to the number of farms or parts of farms which they are respectively entitled to within the township, and the pasture lands are stinted in the proportion of 20 stints to each farm. So that upon the pasture land the Duke of Portland or his tenants are entitled in respect of

his 10 farms to	200 stints
the Duke of Portland is also entitled in respect to his mill and mill lands to	5 $\frac{1}{2}$ "
Messrs. James George & Robt. Hepple in respect to their 1 & $\frac{2}{3}$ of a farm to	32 $\frac{1}{2}$ "
Lord Carlisle in respect of his 1 farm	20 "
Wm. Hodgson, Esq., in respect of his $\frac{1}{3}$ of a farm to	17 $\frac{1}{2}$ "
John Arthur in respect of his $\frac{1}{3}$ of a farm to	10 "
	<hr/> 285 $\frac{1}{2}$ stints

Messrs. Hepple, Mr. Hodgson, and John Arthur have each of them a distinct property in several small parcels of land which lie in the open fields and which are known by the name of cottage lands, and when the lands in which any of these cottage lands are situated are in tillage the proprietor or the tenant of such cottage lands is entitled to sow such cottage lands with corn and reap and carry away the crop of corn which shall grow thereon to his own use. And when the lands in which any of these cottage lands are situated are in meadows the proprietor or his tenant of such cottage lands is entitled to cut and make into hay the grass grown thereon for his own use. And when the lands in which any of these cottage lands are situated are in pasture such cottage lands are also in pasture and are depastured in common with the other lands of the township but in such case the proprietor or tenant of such cottage land is entitled to a certain number of stints in respect of such cottage lands over and above the number of stints above mentioned, that is to say the said Messrs. Hepple are in such case entitled in respect of their cottage land to 3 stints and $\frac{2}{3}$ of a stint, the said John Arthur is entitled in respect of his cottage land to 1 stint and $\frac{1}{3}$ of a stint, and the said Mr. Hodgson is entitled in respect of his cottage land to 4 stints and $\frac{2}{3}$ of a stint. Further there belongs to the Duke of Portland 2 stints commonly known by the name of Bailiff or Manor stints.

Besides affording valuable evidence upon the local customs of ancient farms in Northumberland the above case is also interesting upon the general question of the origin and customs of the common field system, because it shows a still more archaic method of cultivation than is found to be the case with regard to common fields in England generally. According to Professor Vinogradoff, the latest writer on the subject, and one of the most careful investigators of the ancient muniments bearing upon it, the *re-division* of the arable land is not generally found in the documents of the middle ages. There is, according to those documents, no shifting of the arable strips, and Professor Vinogradoff compares the strips in the arable fields to the ice-bound surface of a Northern sea. He says, 'It is not smooth, although hard and unmovable, and the hills and hollows of the

uneven plain remind one of the billows that rolled when it was yet unfrozen.⁶⁰

Mr. Elton also, in his *Origins of English History*,⁶¹ after mentioning that in several parts of Germany the land held in common was divided by lot, the drawings for the arable having originally been held once in three years, but afterwards at longer intervals, goes on to say:—‘It is true that there is hardly any documentary evidence to show that the arable in England was ever divided in this way.’ He adds in a foot-note that it is said that the Enclosure Commissioners had met with instances of arable which was distributed by lot. The statement as to North Middleton does not mention whether the distribution was effected by lot,⁶² but it states clearly that there *was* a redistribution, and this statement is therefore a not unimportant contribution to the literature existing on the subject. To follow up the simile used by Professor Vinogradoff, it shows a portion of the sea still unfrozen and its waves still in motion.⁶³

The prominence given to the cottage lands in the account of this undivided township should not escape attention. The place of the cottager in the rural economy of the middle ages was almost as conspicuous as that of the villan or holder of the customary farm. The cottager’s duties are mentioned in the Saxon ‘laws of land right’ of the tenth century.⁶⁴ It is there laid down that he ought to have 5 acres in his holding, ‘more if it be the custom on the land, and too little it is if it be less.’ According to the Domesday Survey, whilst the villans embraced 38 per cent. of the whole population, the cottagers embraced another 32 per cent., and in no county were there less than 12 per cent. of them.⁶⁵ According to the same survey, the cottager’s holding varied from one acre to ten, but was generally five acres. To some this holding will suggest the ‘five free erwes (or common field strips) cotillage of wastes and hunting,’ which, under the ancient laws of Wales,⁶⁶ were the ‘three immunities of an innate

⁶⁰ Pp. 403, 404.

⁶¹ pp. 405, 406.

⁶² The Corbridge strips are still known in the district as ‘the cavils,’ a term which supports the supposition that they were at some time apportioned by lot.

⁶³ Compare the customs of Lauder in Berwickshire, cited in Maine’s *Village Communities*, p. 95. Gomme, 149.

⁶⁴ *Ancient Laws and Institutes of England*, Ed. Thorpe, p. 432.

⁶⁵ Seebohm, p. 90.

⁶⁶ *Ancient Laws of Wales*, vol. ii. p. 516.

Cymro,' and to some the fact that these cottage lands in North Middleton were defined and ascertained whilst the rest of the common land was fluctuating and re-divisible, will afford an argument that the cottage lands were held by a still older title or under a still older system. Possibly the nineteenth-century appeal for three acres (which approximately represents in area the five free erws of the 'innate Cymro') is an echo from a time long past.

The list which forms Appendix A to this paper contains the number of farms ascertained by the evidence in the action of the Attorney-General *v.* Trevelyan to have existed in the various parishes and townships in Northumberland. The bishop of Peterborough has a somewhat similar list as an Appendix to his paper read before the Archaeological Institute in 1884.⁶⁷ There are, however, in my list further particulars of payments and of local names which may be useful to other workers in the same field.

It will be seen from the nature of the evidence epitomised in that Appendix that clergymen and churchwardens of parishes, overseers of townships, and those who, as land agents, solicitors, or antiquaries, have access to the muniments of the great landowners of the county, can add from many sources much valuable information upon the subject of these Northumbrian farms. The points to which their attention should be directed are, (1) as to the time when the word farm was first used to express a yardland or husband land, (2) as to the nature of the tenure of the cultivators of these holdings, (3) as to the nature of the services rendered by the tenants, and (4) as to the extent of the holdings. I purpose to contribute a few suggestions under each of those heads.

Although the documents in the suit of Attorney-General *v.* Trevelyan throw such ample light on the use of the word *farm* as meaning a yardland, they do not contain any evidence of the antiquity of that use of the word in the county of Northumberland. In Appendix B are some notes as to its derivation and as to its use in England generally.

With regard to the *nature* of the tenure it will be observed that although in other parts of England the present representatives of these customary tenants are to a large extent copyholders, yet in Northumber-

⁶⁷ *Archaeological Journal*, xlii. p. 41.

land copyholds only exist in certain townships of the manor of Tynemouth, in Hexhamshire, in North Sunderland, and, as I am informed, in Bedlingtonshire, also formerly one of the possessions of the church. At the beginning of the seventeenth century the customary farms in Elswick and Benwell are described as copyhold, and 'The tenants claimed to hold their lands by Coppie of Court Roll as Coppie holders of inheritance.'⁶⁸ These manors of Elswick and Benwell had been part of the possessions of the dissolved monastery of Tynemouth, and even after the dissolution the roll was kept at Tynemouth, and the surrenders and admittances were made as of that manor.⁶⁹

There is a statement in Clarkson's Survey of the earl of Northumberland's estate in 1567⁷⁰ that the tenants of High Buston should build better houses, 'seeinge they have now their tenements by copyhold,' and another statement in the same survey that Roger Clay, one of the tenants of the same town, paid a rent 'to the late dissolved monastery of Hulme,' would seem to show that these copyholds, too, were connected with ecclesiastical estates.

The word 'copyholder,' and the method of conveying by copy of Court Roll, are both things of comparatively modern growth. The customary tenants of a township are, according to Comyns,⁷¹ first called 'copyholders' in the first year of the reign of Henry V. They are called 'tenants by the verge' in the fourteenth year of Henry IV. They are called 'customary tenants' by the statute of Edward I. 'Extenta Manerii,' and that was their usual name or description before the word copyhold came into use.

Professor Maitland⁷² points out in the proceedings of the bishop of Ely's court at Littleport, a stage in the formation of copyhold tenure. In the cases in Edward the first's reign in which there is

⁶⁸ Land Revenue Office Survey, Jas. I.

⁶⁹ Welford, vol. iii. p. 146. William Jenison, who acquired the manor of Elswick under grant from the Crown, bought up the copyhold farms from the holders of them; had them surrendered to him or to trustees for him, and enclosed the common fields. Hodgson MS. Title, Elswick. Since that time the whole of the manor has been held and disposed of as freehold, although 'the 9 farmholds sometimes called copyhold tenements or farmholds' still linger in the description of the parcels in the deed of partition of the lands of Elswick between George Stephenson and John Hodgson so late as 1776. Benwell has become almost entirely freehold, although traces of existing copyholds are still to be found in that township.

⁷⁰ Extracted by Mr. J. C. Hodgson (by permission of Earl Percy) for a paper for the Berwickshire Naturalists' Club.

⁷¹ Vol. ii. p. 361.

⁷² Court Baron, p. 122.

litigation in that manor about customary tenements, a jury is employed. At a later date the litigants put themselves not upon the jury but upon the rolls of the court as giving the proper proof of title, and according to the form of the surrender and admittance still in use in the manor of Tynemouth, it is the homage, or jury, who find to this day that the vendor has surrendered his tenement into the hands of the lord before the lord by his steward admits the surrenderee.

Now it is well known that although according to common custom these tenements descended from father to son, or were alienated from tenant to tenant at the manor court, yet the theory of the Norman lawyers was that they were held purely at the will of the lord according to the custom of the manor, and that the lord might oust the tenant when he pleased without any reason.⁷³ Although that legal right in the lord was in many cases exercised, it was controlled by the rights of usage, and was met by emphatic protests on the part of the peasantry, and at length the king's courts felt bound to recognise the universal custom which existed in favour of the customary tenant's right to alienate his lands, and the right of his heir to inherit them; and this conclusion found expression in the reign of Edward IV. in the cases cited in Littleton⁷⁴ as follows:—

But Brian, Chief Justice, said that his opinion hath alwaies been and ever shall be that if such tenant by custome paying his services be ejected by the lord he shall have an action of trespass against him. H. 21. Ed. 4. And so was the opinion of Danby, Chief Justice, in 7 Edward IV. for he saith that tenant by the custome is as well inheritour to have his lands according to the custome as he that hath a freehold at the common law.

Prior to that time and when the harsher rule as to the meaning of 'the will of the lord' prevailed it would appear an obvious advantage to the customary tenant to have a lease for life or for years of his lands. The big monastic houses, with more clerical assistance at their command, commenced to enter surrenders and admittances upon their court rolls at an earlier date than was done by other lords of manors. It was easier for these lay lords of manors and their less educated stewards to grant a lease in individual cases than to keep a record of all the changes of the tenancy upon the rolls of their court.

⁷³ Gilbert on Tenures, p. 198.

⁷⁴ Litt. section 77. The passage is not found in the earliest editions. It occurs for the first time in Redmayne's edition in 1530.

These leases, however, operated in the end prejudicially to the customary tenants, for whilst it was held, as stated above, that copyhold tenants having no lease had an estate of inheritance in their lands, it was also held by the courts⁷⁵ that if a copyholder takes a lease for life or for years the copyhold is destroyed, and for ever gone, and so by taking a lease he would lose his inheritance. It is probable that the customary tenants in Northumberland took these leases where they could not acquire by purchase from the lord the freehold of their holdings. In Cornwall to this day the freehold of all the land in many manors is still in the hands of the lord, all the tenants holding on leases for ninety-nine years determinable on lives.

In the well-known survey of the lands of the baronies of Bywell and Bolbeck, held in 1569 after the attainder of Charles earl of Westmorland for the Great Northern Rebellion, it is stated that 'all the tenants hold their lands by indenture for term of years which are very fineable when their leases are expired.'

Traces of leases for lives are found in titles to landed estates in various districts of Northumberland. They still exist in the township of Stamfordham. The form of lease prevalent in that township contains a covenant by the lessor for the renewal of the lease upon the dropping of any life, and this covenant was supposed to render the Stamfordham leases perpetual. The question was tested in 1884 in the action of *Swinburne v. Milburn*.⁷⁶ It was held in that action by Lord Esher the Master of the Rolls and Lord Justice Bowen that the covenant in the lease in question was one for perpetual renewal. This decision was, however, overruled by the House of Lords, who held that the covenant in the lease was for renewal, not perpetually, but only as often as any one of the three lives for which it was originally granted should drop. In consequence of this ruling these leases for lives will probably become extinct in Stamfordham, as they have already become extinct, or nearly so, in other parts of Northumberland.

With regard to the nature of the *services* rendered by the tenants, it will be remembered that Mr. Seebohm, as the result of his researches upon the subject in various parts of England, summarises the services and payments of the villan which he finds to have been prevalent under the following heads⁷⁷:—

⁷⁵ Comyns, vol. iii. p. 409. Gilbert on Tenures, p. 290.

⁷⁶ L. R. 9 App. Cas. 844.

⁷⁷ P. 78, 79.

Week-work, *i.e.*, work for the lord for so many days a week, mostly three days. Precarise, or boon-work, *i.e.*, special work at request. Payments in money or kind or work rendered by way of rent or "Gafol," and payment of other dues under various names. The requirement of the lord's licence for a marriage of a daughter, and fine on incontinence. The prohibition of the sale of oxen, etc., without the lord's licence. The obligation to use the lord's mill, and to do service at his court. The obligation not to leave the land, without the lord's licence.

He also sets out⁷⁸ the services of a gebur or farmer of a yardland or customary farm from a document entitled 'The services due from various persons,'⁷⁹ the Saxon version of which dates probably from the tenth century. This document sets out the above services and states of the gebur that 'if he do carrying he has not to work while his horse is out,' and later on 'he shall have given to him for his outfit ii oxen and i cow and vi sheep. And he must have given to him tools for his work and utensils for his house. Then when he dies his lord takes back what he leaves.' 'Let him who is over the district take care that he knows what the old land customs are and what are the customs of the people.'

Remnants of similar services may be traced in Northumberland from the fourteenth century to the present day. A document dated 1378 and entitled 'Customs and Works that the men of Tynemouth ought to do and from ancient times have been accustomed to observe and perform' is extracted by Brand⁸⁰ from the Tinmouth Chartulary. That extract sets out that:—

All of Tynemouth who hold land shall plough once a year for the food of the Prior with their own ploughs. All those who hold lands and tofts shall give three boon days in the autumn with one man only and a fourth boon day with their whole family (except the house-wife) at which the four sworn men of the township shall be reapers. All the 'selfodes'⁸¹ shall give each three boon days only. All the 15 tenants shall each do one 'inlade' without food or sheaf, viz., from the field of Tynemouth withersoever they have been directed by the cellarer. Each shall bring one cart load from Seaton Delaval and each of them

⁷⁸ P. 131.

⁷⁹ *Ancient Laws and Institutes of England*, Ed. Thorpe, p. 185.

⁸⁰ Brand, vol. ii. p. 594.

⁸¹ Vinogradoff, p. 250, notices this term in Northumberland in an inquisition post-mortem 55 Henry III. where it is spelt 'selfoder.' He thinks it means 'self-other,' but 'self-owned' would appear to be an equally probable interpretation. As to the tenures by theinage, by drengage, and by cornage which existed in Northumberland and Durham, see Professor Maitland's article in the *Royal Historical Review*, vol. v. p. 625; Mr. Bates's *Border Holds*, p. 312; and Canon Greenwell's *Glossary* in the Appendix to the Boldon Book, Surtees Society edition.

who shall with another companion make carriage as is aforesaid shall have food and sheaf⁸² except 'ulryg.'⁸³

The men of Tynemouth shall guard the prisons, and if there shall happen any escape they shall pay for each escape £8 sterling. And they who reside on the chief tenements called the XV. shall have common of pasture in open time. Also every cottager of the township of Tynemouth shall have common for his animals in the common moor, viz., Schiremoor, at all seasons of the year and not elsewhere. And all the waste places called Balkes are the separate soil of the Prior.

And no tenant holding inland or outland can alienate or give any part of his holding without paying a fine in the court of the said Prior. And if a heir by blood is entitled to entry into his inheritance he shall pay a relief or double his rent (suam firmam) at his entry and shall do fealty and suit of Court from 3 weeks to 3 weeks.

And all the tenants of Tynemouth on occasion shall pay layrewyt (that is a fine for incontinence) for their daughters or handmaidens; and also merchet for giving their daughters in marriage except the Lord Philip of Marston who is exempt from that service.⁸⁴

In the year 1784 an Act was passed for dividing and allotting part of the town fields and the whole of the town green of Elrington in the parish of Warden in the county of Northumberland. By that Act, after reciting that there were within the said township certain lands called the town fields and town green and that the greatest part of the lands lay intermixed and dispersed, and that other part thereof was held by the proprietors as tenants in common, and that Fewster Johnson, Esq., as owner of the capital messuage called Elrington hall and the demesnes of Elrington, was entitled to divers rents issuing out of three several tenements in the said township, and was also entitled for each and every of the said three tenements to one heriot (that is to say the best beast or forty shillings at his election at the death of the owner of the said capital messuage and the owner of the said three tenements and each of them), and was also entitled yearly for each of the said three tenements to two mow dargues and two shear dargues or days' works, and also to three hens and three catches or carriages yearly from Elrington aforesaid to the town of Hexham, and also reciting

⁸² 'And he (the villan) is bound to carry sheaves, and for each service of this kind he will receive one sheaf called "mene sheaf," and whenever he is sent to carry anything with his cart he shall have oats as usual so much namely as he can thrice take with his hand.' *Chartulary of Christ Church, Canterbury*, cited in Vinogradoff, 175.

⁸³ I cannot find an explanation of this term in any glossary.

⁸⁴ Compare the very similar services rendered by the 14 serfs of the vill of Wridthorpe in Lincolnshire in 1109. *Ingulph*. Bohn's edition, 240.

that the owners of the said three tenements were entitled to take out of the demesnes of the said Fewster Johnson sufficient hedgeboot, stakeboot, and rice for the making and amending of hedges and fences, it was enacted that the said lands should be enclosed and that satisfaction should be made for the said rights of the said Fewster Johnson, and that from and after the 22nd day of November, 1784, all right and title of the said Fewster Johnston, his heirs and assigns to the aforesaid yearly rents or annual payments, heriots, mow dargues and shear dargues or day works, hens and catches or carriages to the town of Hexham, and all right or title of the respective owners for the time being of the aforesaid three tenements to hedgeboot, stakeboot, and rice as aforesaid should respectively cease and be for ever extinguished.

It will be seen that in 1784 the servile incidents of layrewrite and merchet have disappeared.⁸⁵ The week work has been replaced by 'divers rents.' But the heriot still remains as an acknowledgment of the Anglo-Saxon doctrine :—'Then when he dies the lord takes back what he leaves.' The boon days of two mow dargues and two shear dargues also remain, and the three catches or carriages yearly to Hexham probably have their counterpart in farm leases in Elrlington township at the present day as they had in the chartulary of Tyne-mouth in 1387.⁸⁶

I produce rent-receipts, surrenders, and admittances, dated in the years 1891 and 1892, showing payments in those years to the lord of the manor at Tynemouth for hall corn rent in lieu of week work, boon day rent in lieu of boon day services, for shire rent, and for

⁸⁵ The latest account of the custom of 'merchet' is to be found in Mr. Owen Pike's Introduction to the Year Books, 15 Edward III. (Record Office Publications) pp. 15 to 62. As to 'merchet' in Northumberland see Bracton's *Note Book* (edition, Maitland), Case No. 895, and *Testa de Nevill*, 389. In Russia, prior to the emancipation of the serfs in 1861, serfs could not marry as they chose without the consent of their masters, and the proprietor would not allow the daughter of one of his serfs to marry a serf belonging to another proprietor—because he would thereby lose a female labourer—unless some compensation were offered. Wallace's *Russia*, 4th edition, vol. i. pp. 114-140.

⁸⁶ The Rev. J. Thomlinson, rector of Rothbury, says in one of his MSS.: 'No doubt all the lands in the town of Whitton did belong to the rector, but the inhabitants having held them time out of mind at one pound per annum each farm and two days' ploughing and leading with their draughts and as many ploughing and reaping (the rector finding them meat when they work for him), they now look upon themselves as freeholders.' *History and Directory of Northumberland* (Hexham Division), published by Bulmer, Manchester, and Beavis, Stewart, & Co., Newcastle, 1886.

finer on the admittance of an heir and on the alienation of a quarter of a farm. It will also be observed, from the wording of the admittances, that the new tenant still does fealty for his holding at the lord's court.⁸⁷

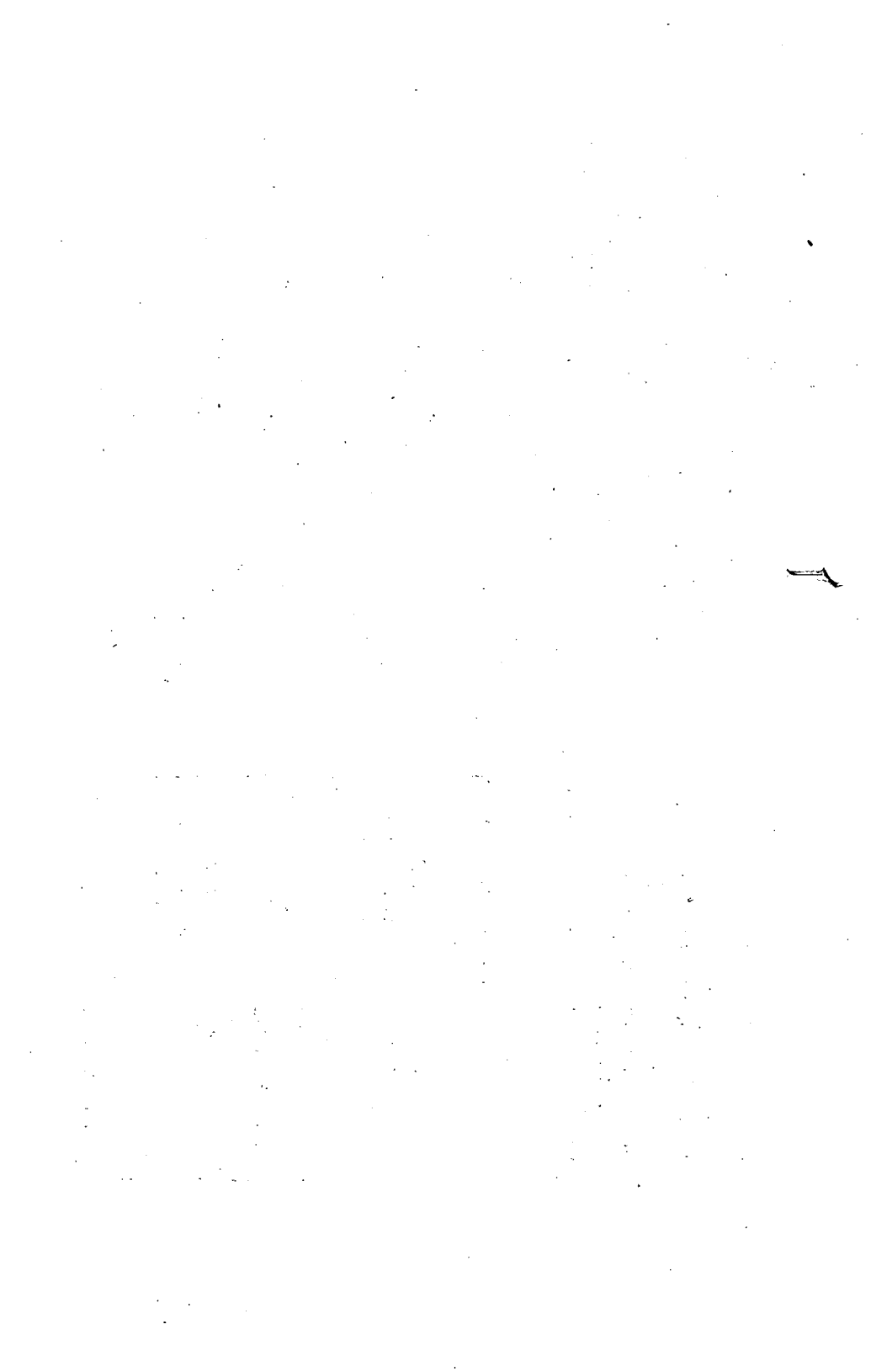
With regard to the *extent* of these customary holdings the following extract as to the township of High Buston made by Mr. J. C. Hodgson from Clarkson's Survey of 1567 is interesting as showing that each farm was looked upon as a living for a family, that no farm could be partitioned unless the farmer had acquired the freehold from his lord, and that even where freehold farms were sub-divided or sub-let the commonable rights of the partitioners were carefully restricted within the limits of those formerly enjoyed by the whole tenement :—

This towne was at the fyrst planted with xvi tenn^s as yett appeareth by the scites of there tenem^s and are nowe but viij tenn-s the cause of that there ys so little arable land and medowe grounde as also pasture moore grounde wh. will not well suffice for the living of so many tenn^{ts} and for yt also they sholde the better lyve and be more able to do ther dewtyful servyce to their Ld and Mr. they were of xvj made but viij tenn^{ts}.

The said Thomas Buston hath one lytle house there wherein dwelleth one tenn^t. to do him servyce wc ys agaynst the old anceyent ordre of this Lp ; for althoughe he aledgeth that he or any other may upon his freholde sett such several buildinge upo auncyent scites as they shall think good, wherunto I must by leave agree, Never the lesse yf we consyder the premiss and for what cause the said towne was brought from xvi tenn^{ts} to viij fermors as also the small quantity of the corne moare (?) And that every inhabyt wth in any towne must have suffycient for the maintenance of him and his family and wher also suche staite (extinte) of all things ys kept (as ys in the towne of Bustone) the will think it bothe lawe and reason that every tenn^t of lyke-lande and like rent have lyke porcyon in all things upon the said como pasture. And sure (?) I would give order that the said Thos. Bustone should have not more pasture or other extinte or fewell (seeing he ys in all respects equal with every one of the said tenn^{ts}) for him and his tenant both, than one of the said tenants have and that under great penalty yf he be found by the Jurye convicte thereof.

If we take the number of farms contained in each township, as mentioned in Appendix A, and divide the total acreage of the township by them, we shall find a varying number of acres assignable to each farm, and if we exclude the townships of Rochester and Troughend in the parish of Elsdon, which contain an unusual and extraordinary quantity of useless waste and mountainous land, we shall find that the five hundred farms which are left have an average of nearly 160 acres of township land assignable to each of them. This is of course inclusive of arable land, meadow, pasture, and waste.

⁸⁷ As to manor courts see *Proc. New. Soc. Antiq.* vol. 5, p. 161.



Section of an American Township divided into quarter section farms.
Area of section 1 Sq. Mile = 640 acres,
Area of quarter section 160 acres.
Lineal measurement on each side of section 8 furlongs. Lineal measurement on each side of quarter section farm 4 furlongs.

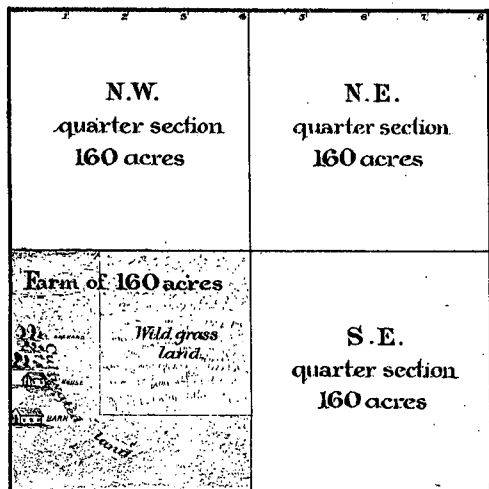


FIG. 1.

Area of a quarter section farm of 160 Acres (scale two-fold fig. 1) $\frac{1}{4}$ of area = 40 acres
 $\frac{1}{4}$ of $\frac{1}{4}$ area = 10 acres = 1 square furlong
Linear measurement of the side of each square furlong 1 furlong long = 40 poles = 220 yds. $\frac{1}{10}$ of each square furlong = 1 normal common field acre 40 poles by 4 or 220 yards by 22.

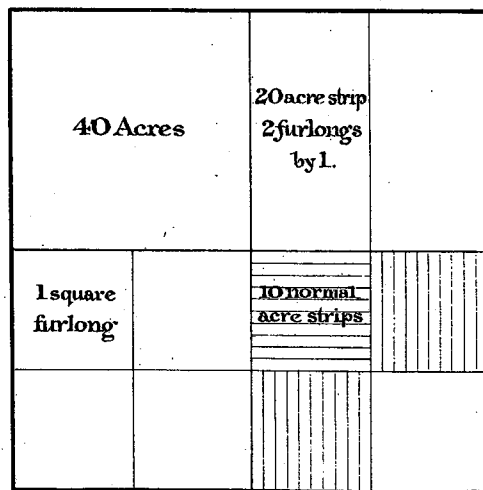


FIG. 2.

It will be seen from the instances cited in the former part of this paper⁸⁸ that the arable land assigned to each farm ranged between 20 and 30 acres, that the meadow land ranged between 2 acres and 10 acres, and this would leave from 120 to 140 acres of open pasture and waste assignable on an average to each farm.

According to Sir Henry Maine⁸⁹ the encroachments of the lord were in proportion to the want of certainty in the rights of the community. In the grass land he intruded more than into the arable land; into the waste much more than into either. The conclusion suggested to his mind is that in succeeding to the legislative power of the old community the lord was enabled to appropriate to himself such of its rights as were not immediately valuable and which, in the event of their becoming valuable, required legislative adjustment to settle the mode of enjoying them. If that were the process it had probably begun before either the Saxon thane or the Norman baron had entered England.

I will conclude by offering for your inspection a plan of a farm of the present day in a newly-settled country. It is the plan of a farm in the south-west quarter of section 28, of township 20, range 13 west of the 6th principal meridian, in Barton county in the state of Kansas. It contains 160 acres, and the whole of the land is capable of being profitably cultivated. At the time of its survey, in 1888, 40 acres were in maize, 25 in wheat, 15 in other crops, and 80 acres were in wild grass. Similar plans of hundreds of these farms are amongst the papers of those who invest in American mortgages. They are almost all of the same size of 160 acres, or $\frac{1}{4}$ th part of a square mile, but some of them are half that size, or only 80 acres in extent. Where the holdings are 80 acres, a larger proportion is cultivated as arable land. Notwithstanding the introduction of modern methods of cultivation, the quantity of land which one household can profitably manage does not appear to have varied greatly in the last thousand years.

Notwithstanding the apparently modern scientific method of the

⁸⁸ By an early statute of the Scotch Parliament (*Scotch Statutes*, vol. i. p. 387) it was ordained that the ox-gangs shall contain 13 acres. Two ox-gangs or 26 acres made a husband land (Innes, 242), so that we have a statutory warrant that 26 acres of arable land was the normal extent of a similar holding across the border.

⁸⁹ *Village Communities*, 141.

mensuration of this American square mile, the influence of the common field-furrow, and the gad, or rod, or pole, by which the common field acres were marked out can be traced in every corner of the plot. According to Canon Taylor,⁹⁰ a furlong is the length of the longest furrow that could be conveniently ploughed before the oxen had to stop and rest; whilst the breadth of the acre depended on the number of furrows which formed the daily task of the villan and his oxen. Mr. Pell, in his learned but difficult paper on the Domesday Assessment, disputes this,⁹¹ and states that the furlong means not a furrow long, but rather a line 40 rods long, that this line 4 rods broad makes the acre, and that both the acre and the rod are merely convenient fractions of some larger area. However this may be, 8 of these furlongs lie on each side of the square mile shown on this plan. Quarter the area and you get the normal farm of 160 acres, quarter the farm and you get the 40 acres which we have seen to be the usual extent of the part cultivated or enclosed for corn and meadow hay; quarter that cultivated portion and you get the square furlong, or *ferdell*,⁹² which contained 10 normal acre strips, each acre strip being 40 rods long and 4 rods broad, in other words, a furlong in length and 4 rods in breadth, the area which, according to the ordinance of Edward I., constituted a legal acre. In fact this American square mile, divided into four farms of 160 acres each, is exactly similar in extent, dimensions, and divisions to the four carucates of arable land, containing in length 8 furlongs, and in breadth 8 furlongs, the gift of Algar, the knight, to the abbey of Croyland, which was confirmed to that abbey by that description by the charter of Wiglaf, king of the Mercians, in the year 833.⁹³

There are two great differences between this modern Kansas farm and the ancient Northumbrian farms which we have been considering. Its homestead is isolated from those of its neighbours and its lands are cultivated in severalty. If, instead of being connected by the power of steam with other parts of the earth, from which it can obtain the supplies of those necessities which are produced by different industries, its proprietor had had to depend for these on mutual exchange with

⁹⁰ *Domesday Studies*, vol. i. p. 60.

⁹¹ *Ibid.* p. 371.

⁹² *Decem acrae terrae faciunt secundum antiquam consuetudinem unam ferdellam.* Spelman's *Gloss.* Title *Virgata terræ.*

⁹³ Kemble's *Anglo-Saxon Charters*, vol. I., page 306. See also *Ingulph.* Bohn's edition, page 15.

his immediate neighbours, he would probably for convenience have placed his dwelling closer to theirs. If, instead of being protected by the far reaching arm of a strong central government, he and his neighbours had been subject to maraudings similar to those spoken of in the Bywell survey of 1569⁹⁴ as 'the continual robberies and incursions of the thieves of Tynedale to assault them in the night' he and his neighbours would probably have arranged their dwellings in a single street which could be closed and defended at each end.

In that case the land which could be most conveniently cultivated would have been that which lay nearest to the aggregated homesteads, and there must have been, for the sake of peace, some equitable method of arranging that each neighbour had his fair share of good land and bad land, of land which lay conveniently at hand and land which lay awkwardly at a distance. Some have thought that it was such considerations as these which induced the early settlers in our townships to cultivate their land on the common field system;⁹⁵ others have thought that its origin was the ancient pastoral right of the community to turn their cattle upon every part of the township, including even the arable fields after the crop was carried;⁹⁶ others have thought that the obligations of a co-operative system of ploughing and of contributing oxen for that purpose are responsible for these dispersed and scattered holdings;⁹⁷ whilst some believe that no such consideration would be strong enough to form so elaborate a communal arrangement as that which we have surveyed and that only the dominion of a master over his serfs could bring about the uniformity of the organization.⁹⁸

An examination of historical documents shows many traces of free institutions, so far as the civic life of these village communities is concerned, but the details of their agricultural organization seem connected in almost every case with incidents of serfdom. It may be that they began to cultivate on a common field system after they lost their freedom, just as that method has been discontinued since they have regained it. But all these views and theories probably contain only some disconnected part of the whole history and truth as to the ancient village community in England.

⁹⁴ Hall and Humberstone's Survey of the Barony of Bywell, 1569.

⁹⁵ Vinogradoff, 254.

⁹⁶ Systems of Land Tenure in various countries. Morier on German Tenures, 244, note.

⁹⁷ Seebohm, 117.

⁹⁸ *Ibid.* 178.

APPENDIX A.

Epitomising in a tabular form the evidence collected by Mr. Woodman of the existence down to recent times in the parishes and townships of Northumberland of ancient farms, each forming one ascertained aliquot part of the township in which it was situated :—

Parish.	Townships in each Parish.	No. of Ancient Farms in each Township.	Assessments and Payments Calculated and made per Farm and up to what Date.	Evidence in Support of the Facts Stated.
Earsdon, 7 townships, 66½ farms.	Newsham Seaton Delaval Hartley Backworth Earsdon Seghill Burradon Holywell	6 4/6 farms 11 " 9 6/10 " 10 " 8 " 10 " 5 " 6 4/6 "	Vicar of Earsdon customary payment 6/8 per farm (up to 1847). Church rates (up to 1841); system departed from at this date because several collieries had opened out which did not contribute under the old arrangement.	Affidavit of John Moor of Brenkley, made 14th July, 1847. Affidavit of Henry Warkman of Earsdon, made 22nd July, 1847. Parish books of Earsdon parish. Deponent John Moor stated 'I was informed by my father, who died in 1844, at the age of 84, that the greatest part, if not all, the said county was divided into a number of ancient farms — farm meaning land of a definite value and not as at present, a portion uncertain both as to extent and value.'
Kirkwhelpington, 10 townships.	West Whelpington. (No evidence of the number of the ancient farms in the other 9 townships of this parish.)	19 farms	Church rates. Modus of 3d. per farm for tithe hay (1844).	Affidavit of Thos. Lawson of Longhirst Grange, made 14th July, 1847.
Bothal.	Longhirst. (No evidence as to the number of ancient farms in the other townships of Bothal parish.)	12 12/36th farms. 6 of these were 'freehold farms.'	Church rates of Bothal. Modus for hay (1847). Parish clerk 5d. per farm in Bothal parish. Fee farm rents in township of Longhirst.	

APPENDIX A—THE ANCIENT FARMS OF NORTHUMBERLAND. 153

Parish.	Townships in each Parish.	No. of Ancient Farms in each Township.	Assessments and Payments Calculated and made per Farm and up to what Date.	Evidence in Support of the Facts Stated.
Woodhorn.	NorthSeaton (<i>inter alias</i>)	16 farms.	Church rate (1746). Poor rate (1831).	Affidavit of JohnSwan made in 1847. Deponent states that the words per farm and per plough were used synonymously.
Hartburn.	Netherwitton.	19 1/2 farms.	Parish clerk 8d. per ancient farm.	Affidavits of Thos. Forster of Longwitton, and Thomas Ramsey of Backworth, both made in 1847.
	Coatyards.	21/2 farms	Parish clerk 8d. per farm.	
	North Middleton	14 farms.	Enclosed and partitioned in 1805 in the ratio of the number of farms. Poor rates and Church rates paid per farm.	Affidavits of Robert Coxon of Morpeth and of William Davison of Middleton, both made in 1847.
	High and Low Angerton.	16 farms.	Each farm in 1662 paid 2d. to the Vicar of Hartburn.	Terrier in the register of the Consistory Court of Durham.
Rothbury, 24 townships.	Snitter.	21 farms.	Church rates.	Affidavit of James Storey of Rothbury, made in 1847.
	Bickerton.	7 "		Terrier in the registry of the Consistory Court of Durham.
	Flotterton.	8 "		
	Farnelaw. Whitton.	4 "	Tithe paid per farm in 1695.	
Alwinton	Burradon. (<i>inter alias</i>)	18 farms.	Poor rates (1817), Highway rates (1827), Church rates (1830).	Affidavit of Wm. Forster of Burradon, made in 1847. Deponent exhibited a deed evidencing that Burradon 'Southside' had been divided amongst the owners thereof in proportion to the number of ancient farms each held. Affidavit of Thos. Walbey of Lark hall, made in 1847. This deponent speaks to the division of Burradon Southside in 1723 and Burradon Northside in 1773 in proportion to the number of ancient farms owned by each participant on the assumption that the whole township consisted of 18 ancient farms.

Parish.	Townships in each Parish.	No. of Ancient Farms in each Township.	Assessments and Payments Calculated and made per Farm and up to what Date.	Evidence in Support of the Facts Stated.
Elsdon, 7 townships.	Sharperton. Rochester. Troughend. Otterburn. Woodside. Monkridge. Elsdon.	11½ farms. 27 " " 24 " " 27 " " 17 " " 15 " " 38 " "	Parish clerk 4d. per farm.	Affidavits of Thomas Arkle of Elsdon and Henry Dodds of Peels, both made in 1847.
Whalton, 4 townships.	Newham. Ogie. Replington. Whalton.	12 14½ 3 18½	Church rates (1846). Poor rates (last century). Parish clerk 3d. per farm (1846).	Affidavit of James Robson of Whalton, made in 1847. Terrier in the registry of Consistory Court of Durham, in which the farms are called ploughgates.
Warkworth.	Amble. Morwick. Togstone. Acklington. Hauxley. Walkmill. Sturton Grange Brotherwick. Spittle and Low Buston Demans and High Buston Biriling. East Chevington. West Chevington. Hadstone.	14 6 12 10 10 1 8 3 13 10 8 10 14 12 8	Church rates (1835). Parish clerk. Sexton. Landtax. Moduses. Fee farm rents. Hall corn rent in barley (1837) paid per farm. Church wall repaired in 1826 at 2 yards per farm.	Affidavit of Middleton Henry Dand of Warkworth, made in 1847. Parish books.
Bedlington, 61½ farms.			Church rates (1674 to 1782), land tax (1836) poor rates 1763 paid per farm.	Affidavit of Robt. Swan of Bedlington, made in 1847.
Tynemouth.	Chirton East Chirton West Monkseaton Murton. Preston. Whitley.	5 3 10 4 5 5	Hall corn rents, Boon day rents and Shire rents paid to 1847 (and still paid in 1892). Stewards' fees on surrenders and admittances assessed by farm. Billy Mill Moor divided amongst proprietors of ancient reputed farms in proportion to the number of such farms owned by each participant.	Affidavit of Cuthbert Umfreville Laws of Tynemouth, made in 1847.
Choller-ton.	Chollerton. Barrasford. Gunnerton.	8 23 20		Affidavit of Christopher Bird, vicar of Choller-ton, made in 1847.

APPENDIX B.

AS TO THE MEANING OF THE WORD 'FARM.'

Coke says¹ 'By the name of *ferme* or *fearme* houses, lands, and tenements may pass and *firma* is derived from the Saxon word *feormian* to feed or relieve—for in ancient times they reserved upon their leases cattell and other victual and provision for their sustenance.

Spelman states² that customary tenants at will rendered to the lord a certain portion of victuals and things necessary for hospitality, and he goes on to say 'This rent or retribution they call *feorme*, but the word in the Saxon signifieth meat or victuals, and although we have ever since Henry II.'s time changed this reservation of victuals into money yet in letting our land we still retain the name of *fearmes* and *farmers* unto this day.'

Mr. Lewis³ says 'The word 'farm' (A.S. *Feorm*) is from the Latin *firma* and meant originally an oath of fealty, whence it came to signify the measure of food or provisions rendered by the tenant as his fealty rent and afterwards the land held at and under such fealty and rent.'

Mr. John Kemble in a letter to Mr. Woodman says '*Fearme* is from *feorm* and by no means from the Latin *firma*.'

The editor of the *Dict. Universal* (Paris, 1721) after reviewing the above suggested derivations, adds 'It is more probable that the word comes from *ferma*, which in the Celtic or Bas-Breton signifies a letting and *fermi* signifies to let.' Turning to the *Dict. Breton-Français* of Le Gonidec we find that *ferm* in the Bas-Breton means a letting, or the price of a letting, and *fermer* is the Bas-Breton spelling and pronunciation of the French word *fermier*. Le Gonidec quotes the following Bas-Breton sentence :—'(Chetu ann ti em euz fermet' as meaning 'There is the house which I have hired.' Dr. Nicholas in his *Pedigree of the English People*⁴ points out the close relationship of the inhabitants of Brittany in France with the Celts of Britain. He says that history relates the conquest of Armorica or Brittany by the Britons and he confirms the correctness of the statement made by M. Emile Souvestre :—'Le bas Breton actuel n'est donc pas un reste de Gaulois, mais de langue Bretonique.'⁵ In Picardy the provincial form of the French word *ferme* is *farme*.⁶

In England the term farm in most ancient documents means a rent or letting, and not the reversion or the thing let, and this mode of expression is found down to the surveys of the time of the Commonwealth, e.g., 'the farme of the coal-mines of Bebside and Cowpen.'⁷ Spelman, however, in his *Glossary*, Title *Firma* quotes three early instances of its use to designate parcels of the land itself, viz., 'Malmeb in Williel. Rufo. An. 1090, Rex. Will. ecclesias et monasteria fere totius Angliæ in manu sua pastoribus defunctis retinens; gravi omnia depopulatione vastabat et instar *fimarum* laicis commendabat. Concil. Westmonast. An. Dom. 1127. Episcopi Presbyteros abbates Monachos Priores subjectos *firman*

¹ Comm. Litt. p. 5^a.

² *Feuds and Tenures*, 15.

³ *Ancient Laws of Wales*, 468.

⁴ P. 45.

⁵ *Les Derniers Bretons*, i. 144.

⁶ *Dict. Littré*.

⁷ *Augmentation Parliamentary Surveys*, 1650.

tenere inhibeant. Idem Concil. London An. 1237, etc., Constitut. Phil R. Franc. Dedit villam Burgesiam *firmas* blada molendina, etc., villæ de Guingencampo.'

In the Paston Letters, written in the fifteenth century, where the term frequently occurs, it almost always means the rent or hiring of the land rather than a quantity of land itself, but very early in the sixteenth century the present signification of the term as designating the land itself comes again to the front.

Bishop Latimer in his first sermon before Edward VI., on the 8th March, 1549, says :⁸ 'My father was a yoman and had no landes of his owne onlye he had a *farme* of iii or iiii pound by yere at the uttermost and hereupon he tilled so much as kepte half a dozen men. He had walke for a hundred shepe and my mother mylked xxx kyne. * * * * He kepte hospitalitie for his pore neighbours and sum almess he gave to the poore and all this he did of the said *farme*.'

More, in his *Utopia*,⁹ written in 1515, says : 'They have in the countrey in all partes of the shiere houses or *fermes* builded,' and a frequent use of the word as meaning the lands themselves will be found as well in Shakespeare as in all subsequent writers.

In France the word although used also in the modern English sense is also much more generally used in the sense of a letting, as in the case of a *Fermier Generale*, while the contractor who lets the chairs at a French church is a '*Fermier des chaises*' and his contract is a '*ferme*.'

If the term is derived from the Anglo-Saxon *feorm* and not from the Celtic *ferme*, it is strange that we should find the word most generally used in Gallic France, and that it should have its nearest approximate form in the especially Celtic province of that country, whilst there is, I believe, no trace of the use of the word in either its ancient or modern English sense in Germany, Holland, or Scandinavia, from whence the English are supposed to come.

We find from the Boldon Book (Surtees Society edition) that there were in 1183 in Durham county *villani* and *firmarii* in the same township, and that the *firmarii* did not pay so much in money or give so much in labour (App. lxi.). In Hatfield's survey the *firmarii* are called *mallmen*. In Vinogradoff's *Villainage in England*, p. 183, *et seq.*, the author examines the status of these *mallmen* or *molmen* and states that the word is commonly used in the feudal period for villans who have been released from most of their services by the lord on condition of paying certain rents.

⁸ Arber's edition, p. 3.

⁹ *Ibid.* p. 74.