

III.—THE DECLINE AND FALL OF SERFDOM IN DURHAM.

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By serfdom I mean the status of the personally *unfree* tenants on the demesnes of the various lords in medieval Durham. I do not propose in this paper to discuss the origin of serfdom. It is too thorny a subject and the requisite materials for determining the question do not exist for this district. We do possess, however, certain capitular and episcopal records and charters which give us a vivid, if incomplete, picture of serfdom in its decline and fall, and it is with these that I shall deal.

It would be an obvious theory to connect the origin of serfdom in Durham with those Britons who were spared by the original Angle conquerors of the land, but such a theory needs many qualifications; for it is plain that tribal wars, famines and Danish ravages all contributed their share towards the reorganization of primitive Angle society. Pre-conquest historians tell us of the process of commendation in its various forms—how some men bowed their necks for bread, and how others surrendered their lands to some powerful chief, receiving them again from him on varying degrees of servile tenure. Slavery was not unknown among the Angles in their German homes, and neither in Germany nor in England would it have been impossible to find men of Angle blood who had forfeited their liberty by gambling or some serious offence. Before the Norman conquest, English feudalism allowed of many grades between the landowner and the slave, thanks to the systems of book-land and commendation combined, but with the advent of the Norman lawyers there came a great change.

As the pre-conquest bishops of Durham laboriously built up that peculiar ecclesiastical franchise of theirs, they succeeded to the rights of the original owners of the villis they acquired. We can see them at Wolviston,¹ for instance, buying up the rights of the other lords of the vill, and whatever may have been the precise meaning of the sake and soke they ultimately possessed over the greater part of modern Durham, it is plain that by a confusion of ecclesiastical prestige and legal rights as landowners they had brought most people, if not all, in the county into some degree of dependence upon them.

Theoretically, Walcher, the first Norman bishop, succeeded to no more than these rights and, perhaps, personally endeavoured to live up to the old ideal of St. Cuthbert's successors, but his murder provoked that terrible harrying of Durham which left it a desert, and imposed upon a successor, probably bishop William of St. Calais, the task of re-organizing the bishopric by the help of Norman lawyers. Either bishop William or his successor, Ranulf Flambard, was the author of the rather artificial organization we find described a hundred years later in Boldon Book. Domesday passes over Durham in silence, and it is with Boldon Book in 1183 that we must begin our study of the Durham social organization.

Unfortunately, Durham's earliest survey deals solely with the land and scarcely at all with the status of the people. The few references to serfdom are plainly later interpolations made in the thirteenth century version: 'In Boldon are 22 villans, 12 cotters,' etc., it generally runs. It is unwarrantable to maintain that all the peasants who paid a labour rent for their holdings were personally unfree; that is, were serfs in the fullest sense of the term, even if we admit that they stood on a lower grade than the few tenants who paid a money rent. With the *Dialogus de*

¹ *Feodarium* (58 Surt. Soc. publ.), 141*n*.

Scaccario before us, we must remember its author's statement that even in the reign of Henry I the king's dues were paid in kind.²

The Norman lawyers, unwilling to attack the tangle of pre-conquest feudal relationships, apparently classed all men who were not freeholders under the head of villeins, that is, in relation to their immediate lord. In Durham the harrying of the country had rendered it possible for the Norman bishop to enter into simpler relationships with his dependants, and in relation to the land they held men were villeins, cotters, dréngs, molmen, or firmars. Whatever change might take place in their *personal* relationship to the bishop their *fiscal* relationship remained unaltered.

Our evidence is scanty, and is mainly inference, but it seems probable that all men who did not hold by knight service or free alms were legally serfs, that is, they were personally bound to cultivate their land during the bishop's pleasure—they held 'at the will of the lord,' as the phrase went, and they could neither give up their holdings nor leave the bishopric without permission. Probably before the Norman lawyers who had disregarded their rights were dead, some of the villeins were making attempts to regain their former more favourable status. At any rate, we find that in the thirteenth century there were two distinct classes of villeins. The medieval lawyer could talk of the *villein en gros*, who was both personally and fiscally a villein, and the *villein regardant*, who was only the holder of land by villein tenure. This second class continuously increased its numbers, as during the thirteenth century the sale of charters of manumission went on freely. Perhaps we can trace in Boldon Book the existence of a favoured class of peasants who paid wholly or partly in money, and it seems probable that the mol-

² Chap. vii, *ad init.*, printed in Stubbs's *Select Charters*.

men or firmarii were personally free men, cultivating newly-created villis or hamlets on especially favourable terms. Such men had in Durham what was practically a life lease, and when the prior's Halmote Rolls begin at the end of the thirteenth century this 'lease for life' by a personally free tenant is quite common.

But what of the serfs—those villeins who were not able to purchase the freedom gained by their more fortunate fellows? We have no information as to the proportion of serfs to free men in Durham, either in Boldon Book or at any subsequent period, but it is plain that they became less numerous in the thirteenth century and therefore began to feel their chains. Their position was only tolerable when it was shared with the majority of their fellow-villagers. How galling it became is clear from a comparison of the charters of manumission and the Halmote Rolls.

From his birth the serf was made to feel his position, for he was born into slavery and registered, at least, in later times, in a document called *stemma servile*, a specimen of which has survived.³ Were both his parents serfs, their child could only gain freedom by manumission, or skulk into it by flight. The child of a free-born, or free mother, by a slave father, was free elsewhere, but in Durham his condition was determined by that of his father,⁴ and, of course, a heavy merchet, or marriage fine, was exacted whenever a *nativa*, or female serf, took a husband. An obscure passage in the prior's Rolls seems to mean that until the merchet was paid the marriage was not valid.⁵

Once the formalities of the lord's consent had been complied with, the serf's life differed in little outwardly from that of his more fortunate fellows. I have found no instances of the sale of serfs apart from their land as we hear of elsewhere, but that such sales were theoretically possible is indicated by a few of

³ Surtees, *Hist. of Dur.*, vol. III, 410.

⁴ Dur. Curs. No. 12, fol. 47d.

⁵ Dur. Curs. No. 12, fol. 25.

the manumissions that have survived. One of the earliest, by prior Bertram, about 1250, shows us what is apparently the fictitious sale of William Picot, a neif, to Edmund the reeve of Durham, for 5 mancae, or 30s. The neif, however, is to pay to the prior 12*d.* yearly at Rogationtide.⁶ An even more complicated manumission by fictitious sale is that of Radulphus, son of Herebert de Pyketre (Picktree, near Chester-le-Street), whom John Hundermayster frees in a curiously roundabout way. For some reason or other he bought Ralph from Robert de Herrington on the express condition that he should set him and his family free. He carries out the bargain by granting Ralph as a free-man, together with all his offspring, to God, St. Cuthbert and the sacristan of Durham. Ralph, however, is to be free so long as he pays 6*d.* or one pound of wax yearly to the sacristan of Durham.⁷ These two charters of approximately the same date show us the serfs beginning to escape from their chains by various legal fictions, which had been suggested by their actual disabilities.

Had the lords insisted upon their legal rights, both to the property and to the person of the serf, nothing short of a revolution could have freed the peasantry; but apparently if the serf paid the accustomed dues he was in practice even allowed to bequeath his possessions by will. Undoubtedly, such a right, though fully acknowledged in the thirteenth century, was not conceded all at once, and even as late as 1409⁸ the goods of a dead neif were valued in a formal schedule by the jury of the vill, and the execution of the dead man's will was only carried out by permission of the steward, who, of course, saw that the lord's dues were paid first. The rights of the widow and her son were recognized by the steward, as well as those of the dead neif, and so the question may justly be asked, wherein lay the disabilities of the serf?

⁶ The original is in the Treasury of the Dean and Chapter.

⁷ Surtees, *Hist. of Dur.*, vol. II, 186. ⁸ *Dur. Curs.* No. 14, fols. 332, 402.

The great difference between the free man and the serf lay in the fact that the latter had no status in the king's courts, or, indeed, in any free man's court, at least in civil cases, until he received a charter of manumission. At first the manumission was but partial, for it is probable that the custom of head-money or chevagium, *albanaria* as it is called in the Durham MSS., was the first step towards freedom for the serf, although some of them were never allowed to make the second. We see some powerful patron, such as John Hundermayster or Edmund the reeve of Durham, buying the serf's freedom but still leaving the latter bound to pay a small sum annually.

Side by side with this system, some men by their own exertions obtained an '*albanaria*' or licence to reside away from their vill, though still formally serfs, while others adopted what afterwards became the common custom of purchasing their freedom outright by their savings. At first the charter is very vague. Prior Bertram contented himself with a fictitious sale about 1250, but his immediate predecessor, Thomas de Melsanby, professing to be moved by feelings of charity for the servile estate of Henry le Orselin, a born neif of Dalton, freed him from every yoke of servitude and granted to him and his offspring the power of departing and returning whithersoever they pleased as free men, renouncing all claim on behalf of himself and his successors. In 1265 we find one of the first dated charters, by prior Hugo, who gives much more definite rights to Gamell of Jarrow. 'We will, and do order, so far as lies in our power that the said Gamell of Jarrow and all and singular of his descendants in defending themselves or in bringing suits against others and in bearing witness, in giving a gage for wager of battle and in all causes and contracts named and unnamed be received as free men for ever, wherever free men and freeborn men have been able freely to obtain a place.'⁹

⁹ The originals are in the Treasury of the Dean and Chapter.

These charters show us the serf fixed in his native village, unable to defend himself in the law-courts of the king or to enter into any valid legal contract. Every serf that escaped from his chains rendered more irksome the lot of those who remained. Is it fanciful to see in the papal claims upon the church's revenues in Henry III's reign the real cause of the manumissions under priors Thomas, Bertram and Hugh? Whatever the cause may have been, it is certain that before the end of the thirteenth century serfs had ceased to form the majority of the Durham peasantry. Perhaps the wars with Scotland and the Scottish incursions had rendered bailiff farming impossible, or, at least, unremunerative, and down to the Black Death in 1349 the bishop and prior surrendered more and more the demesne lands of the villis to the peasantry or wealthy firmars. Under these circumstances, it paid the lord and the serf to agree upon a system of *albanariae* or licences, even if the serf could not buy his freedom outright.

Probably the '*albanariae*' were generally granted to the sons of serfs for whom the lord had no vacant holdings. Such men, posing as hired labourers in the country or perhaps in some town, paid the licence money with more or less regularity, generally skulking into freedom by repeated changes of habitation, and probably, in most cases, bequeathing freedom to their children by neglecting to report their birth or name to their nominal owner. We know that the years immediately preceding the Black Death were highly prosperous. Population increased rapidly during this period and both land and labourers were at a premium. It paid the serf to become a free labourer, even if it meant taking the risks of flight, and it paid the free man to aid the servile tenant to escape that he might take the vacant holding.¹⁰

¹⁰ Dur. Curs. No. 12, fol. 3.

When it was too late, the bishop and the prior realized the situation. In the economic crisis servile labour seemed the obvious solution of all difficulties, and legal rights were more sharply looked after. This is probably the time when the various servile pedigrees were compiled which caused so much heart-burning later on. The serf who was freed received for his money a chirograph, *i.e.* a duplicate copy of the charter of manumission, with one jagged edge corresponding to an edge of the other copy, which was kept in the lord's muniment chest. Some of these thirteenth century originals still remain.¹¹

If the lord disputed the genuineness of the charter a jury, generally of twelve serfs, was impanelled, and in early times had seldom any difficulty in agreeing upon their verdict. The jury had to declare upon their oaths, in a set formula, that 'A. B. was free and of free condition,' if their verdict was for the serf. We have a thirteenth century interpolation in Boldon Book which tells us how 'John, son of Eustace, and Alexander, his brother, of West Auckland, were arraigned as serfs, but were acquitted by a jury.' If the verdict was against the serf the formula ran, 'The jury say upon their oaths that John, son of Adam, is a serf of the lord and both he and his ancestors were held for such from all time, as they have heard from their ancestors.'¹² When the serf lost his case he had, at least in the fourteenth century, the right of appeal to a second jury, drawn probably from a wider area. The lord, however, took no risks, as the accused person had to find two sureties for his appearance at either trial, and the cost of the second appeal was 6s. 8d.¹³ Naturally the practice was not very common.

The lord fixed a day upon which the serf had openly to

¹¹ There is a bundle of thirteenth century manumissions in the Treasury of the Dean and Chapter.

¹² Cf. *Dur. Halmote Rolls* (82 Surt. Soc. publ.), 161, with No. 3 of the MS. Rolls of 1379 and MS. Prior's Halmote Book, i, 18.

¹³ *Dur. Curs.* No. 12, fol. 229d.

acknowledge his condition, and upon that date his sureties saw him swear before the steward, upon the Holy Gospels, that he would submit himself (*justiciabilis erit*) to the lord bishop (or lord prior and convent) and his servants, both with his body and with his goods movable and unmovable, and with his offspring procreated or to be procreated, and that he would not take himself from the lord's land.¹⁴

The serf had then three possible courses open to him. He might try to make the best of his position, but his taste of freedom had generally the result of tempting him into a second flight from his lord.¹⁵ His third course was to purchase formal leave of absence or 'albanaria' by a yearly sum, generally from 2s. upwards, but in the fourteenth century the conditions became very stringent. One of the prior's serfs had to attend at Durham in person at Pentecost and Martinmas until the lord agreed upon some other plan or the serf could prove he ought to be freed.¹⁶ Others fared even worse, and one serf, John Kressh of Easington, had to find an employer willing to act as pledge; his licence only held good upon that condition.¹⁷

Of course, some serfs were fairly prosperous as peasant farmers, and, so long as they were allowed to commute their labour rents, had no desire to leave their holdings. Many of the serfs took up parts of the demesne or waste just as the free peasants were doing, and worked their enlarged farms by the help of their families.¹⁸ Suddenly, in the midst of their prosperity, the Black Death swept down upon the land. When it died out, half the population of Durham had disappeared and the economic problem had entirely changed its character.

¹⁴ Cf. Dur. Curs. No. 12, fol. 229d; *Dur. Halmote Rolls* (82 Surt. Soc. publ.), 123, 129, 137.

¹⁵ Dur. Curs. No. 12, fol. 45.

¹⁶ *Dur. Halmote Rolls*, 137.

¹⁷ Dur. Curs. No. 12, fol. 231d.

¹⁸ *Bishop Hatfield's Survey* (32 Surt. Soc. publ.), under 'Baldon.'

Now the lord had vacant holdings, but no eager would-be tenants, and even where the peasant still remained on his holding he demanded a diminution of rent. The lord's bailiff could neither sow nor reap his master's crops, for not only did the peasantry refuse to perform labour services, but they could not, or would not, pay the commutation money. The serfs had suffered heavily in the plague, but some were left in each village, for the most part, and both prior and bishop agreed that for serfs, at least, there was no alternative: whether they were *albanarii* or actual tenants, they must perform their labour services, even if it meant neglecting their own crops.

This attitude of the lords brought matters to a head in the Boldon district of the Chester ward. Newcastle, the serfs' Canada, was near. Many of them had friends and relations across the water who had gained a doubtful freedom by remaining a year and a day in the great town. In the early spring of 1350, nine of the bishop's servile tenants in this district appeared before William de Kirkeby, the coroner, and announced that they too, wished to follow their relations into freedom and give up their lands. The movement was evidently organized by a certain Boldon serf, Thomas Short by name, of whom we hear again. 'Then,' as the MS. quaintly puts it, 'upon this they paid nothing from the term of St. Cuthbert in March last past [*i.e.* March 20, 1350]. And from this wickedness and from malice aforethought they gave in the iron shoes of their ploughs to the lord at Auckland on Thursday next before the feast of Pentecost [*i.e.* on May 13th]. For which cause they were arrested and imprisoned at Durham till Saturday in the vigil of Trinity' [May 22nd].

The steward, Sir Thomas Gray, was seriously alarmed lest the outbreak should become general, and under prevailing conditions it was difficult to do more than imprison the defaulters. Probably the neifs had not counted upon the steward's action, and

would be as relieved as he when Sir William Westle the receiver acted as mediator. It was agreed that they should find sureties that they would pay at least a proportion of their arrears, to be fixed by the receiver, and they were restored to liberty on becoming sureties for each other that they would not repeat their exploit.¹⁹ Thomas Short, at any rate, did not keep the spirit of his promise, for during the winter of 1352/3 he appears as helping a kinsman to escape,²⁰ but in the letter he did, for he appears as a juror of Boldon for many years.²¹ He appears in Hatfield's survey as holding 30 acres of bondland and 10 acres of demesne, but has apparently commuted all his labour services by 1380.

The exploit of the Boldon neifs apparently was not repeated so openly elsewhere. Instead, the serfs slunk away by night or secretly, and in the prevailing scarcity of labour found few farmers to doubt their claim to be free labourers. Sometimes they returned with friends to take away their scanty household goods in carts, *vi et armis*, as the rolls describe the exploit of John Roumanger, a neif of Shadforth.²² Not devoid of natural affection, the runaway neifs returned from time to time to visit their parents, sometimes being themselves dragged back into slavery when detected, but as the parents died off the escaped serfs returned no more.²³

The lords, on their part, after the passing of the Statute of Labourers, made no pretence of foregoing even the most doubtful claims. Every neif whose ancestry was in the least degree assailable was summoned back to his native village and forced to take one of the vacant holdings.²⁴ Time after time on the rolls we find challenged serfs throwing themselves on a jury in a vain endeavour to establish by law what was at the best freedom by

¹⁹ Dur. Curs. No. 12, fol. 34d.

²⁰ *Ibid.*, fol. 79d.

²¹ *Ibid.*, fol. 65d, etc.

²² *Ibid.*, fol. 74.

²³ Dur. *Halmote Rolls* (82 Surt. Soc. publ.), 169, 170.

²⁴ Dur. Curs. No. 12, fol. 133.

albanaria or by prescription. It did not matter how long the neif had been away or where he was. The village jury was asked for a list of the lord's neifs belonging to that vill, and villagers were forbidden to harbour wandering neifs.²⁵ We read of the hospitium of the bishop, probably in Durham, to which captured neifs were to be sent by the coroner.²⁶

Even the dry records of the Halmote become thrilling with the last tragedy of serfdom. We have already referred to the kinsman of Thomas Short and to John Roumanger of Shadforth, who found their life as serfs unendurable, but sometimes the neifs gained protectors in a high station in life. In one case the steward was defied for many years by John Rede and Nicholas Todd, who found a friend in Richard de Heworth, lessee of the borough of Sunderland. The neifs in question belonged to Bishop Wearmouth, but when the slave-hunt began they disappeared. For some time the authorities were baffled, but at last their uncle was coerced into saying that they were hiding across the Wear in Southwick, and William de Kirkeby, the Chester coroner, received orders to arrest them. Then began a game of hide and seek. For several years the neifs flitted about between Silksworth and Tunstall and defied all efforts to arrest them on the part of Kirkeby and his fellow coroner of the Easington ward, John Boner. Boner, threatened with the loss of his post for remissness, apparently appealed to Richard de Heworth; for that lessee appeared as pledge for the two neifs when they took out licences as 'albanarii' at Chester in June, 1357. However, they were still unprofitable servants, for they were fined 12*d.* each a little later for not paying suit of court.²⁷

The same hunt after the serfs went on in the prior's vills, but he was less fortunate in reclaiming the wanderers. Many of his serfs were in Northumberland, Yorkshire or other districts

²⁵ Dur. Curs. No. 12, fols. 133*d.*, 136, 86, 123*d.*, 69.

²⁶ *Ibid.*, fol. 134.

²⁷ *Ibid.*, fols. 66*d.*, 104, 119, 148, 190, 230.

quite out of his reach.²⁸ Some were *albanarii*, others pure fugitives, but the prior had only the vaguest idea as to their refuge or numbers. Towns such as Newcastle, Hartlepool, or even York, were their favourite retreats, and over such refugees the prior's power was gone. There still remained, however, the serfs scattered about the various vills of the bishopric, and the 'servile pedigrees' were consulted. Chance has preserved to us Mr. Surtees's copy²⁹ of a 'servile pedigree,' whose original is probably lost, and a short description may throw some light upon a little known subject.

Eudo, or Ydo, Towter was a neif of Chilton, near Ferryhill, about the middle of the thirteenth century. He had two sons and a daughter. The elder son, Roger Youndson, otherwise called Wannell, took his father's land. He in turn had five sons who are remarkable for nothing but their surnames. They were apparently *albanarii*. The eldest called Nicolaus Puddyng, and the third son, Hugo, called Huget Rogerson, lived at Middridge as *nativi*; the second son, called Richard Marshall, or Diccon Smith, was a neif in East Merrington. The fourth son called 'Geoffrey Rogerson,' otherwise Jop, 'remained a neif,' we are told, and was placed presumably by the steward in Kirk Merrington. We shall return to his children again. The youngest son of Roger Youndson was called Thomas Wannell. He took his father's tenement in Mekyl Chilton, and together with his three sons John Thompson, Richard Thompson and Thomas Thomelynson (note the surnames) remained in his native village.

Eudo Towter's second son, called William Idouson, was the cause of the complication that gave us the 'servile pedigree.' Prior Hugo, in 1266, manumitted William Idouson and gave him a message and 30 acres of land at Nun Staynton, at the

²⁸ *Dur. Halmote Rolls* (82 Surt. Soc. publ.), 136, 138.

²⁹ *Hist. of Dur.* III, 410.

'true' rent (*onerat. ad verum valorem*). Apparently he had no children, but his charter of manumission was jealously preserved over 100 years later by a certain Agnes of Mainsford. She was the daughter of Richard Kyrkeman, we are told, and had married John of Mainsford, who seems to have been connected with the family of William Idouson through his nephew Geoffrey Rogerson, otherwise Jop. It is probable that after the Black Death Agnes and her family were accused by the prior of being serfs. According to the prior, she was the granddaughter of Hugh Jop's son, and he arrested her father, Richard, at Mainsford, where he was living, and ordered him to take up land at Merrington, the native place of Geoffrey Rogerson, otherwise Jop. I am afraid Agnes and her family were presuming upon their claim to be descendants of the free William Idouson, rather than of the serf Roger Youndson, Jop's father, and that many serfs were more successful than they were with quite as dubious evidence.

However, after a time both bishop and prior allowed the persecution of the serfs to die down, and there appears a brighter side to the relations between the lord and his serfs. We find one prior rewarding the coroner's assistant for arresting a neif who was escaping to Seaham, probably on the way to Hartlepool, but that was during an economic crisis when all hands were needed.³⁰ Two generations later we find³¹ another prior granting a pension to a worn-out neif of Billingham, 'prostrated by infirmity,' and there is nothing to indicate that the bishop was a harsher master.

Long before the fourteenth century was over, the main discomfort of the neifs was the scorn of his more fortunate neighbour. Rustic and neif came to be terms of vulgar abuse, despite the prohibition of the halmote, and it is not surprising that the surviving serfs slunk into freedom when they could.

³⁰ *Dur. Account Rolls* (99-103 Surt. Soc. publ.), 579.

³¹ *Ibid.*, 623.

It is impossible to say when serfdom finally died out in the Palatinate. The last mention of an episcopal serf is in 1481,³² when bishop Dudley enfranchised Thomas Copyn, husbandman of Throston, near Hartlepool, but probably there were serfs belonging to the prior at a later date. In 1407 and 1469 we find Inquisitions of serfdom in the otherwise jejune Halmote books of the prior. In 1407 an Inquisition at Harton disclosed 28 names representing 19 or 20 families.³³ Sixty-two years later the northern serfs have entirely disappeared. Many of them were already across the Tyne in 1407, at Benwell, Wallsend and Earsdon. The prior did not know the names of many of them. In 1469 we find the last of the prior's serfs, 38 in number and representing 9 families; really 6 were dead and many were safe in distant places. Not a single descendant appears in 1469 of those who, 62 years earlier, had lived at Pickering, Allerton, Redcar, York, or across the Tyne. In 1469 those enumerated lived chiefly in south-east Durham.³⁴

There may have been serfs in Durham in 1575, when Elizabeth manumitted those left in Lancashire, but probably there was none left in 1617, when the three poor serfs at Falmer in Sussex were dragged out by an informer.³⁵

³² Dur. Curs. No. 54, fol. 13.

³³ MS. Prior's Halmote Book, I, fols. 18 and 18d.

³⁴ *Ibid.*, II, fols. 112d and 113.

³⁵ See interesting papers in *Trans. Roy. Hist. Soc.* (new series), xvii, 235, and in *The Law Quarterly Review*, ix, 348.