

‘[T]HE ESTATES OF SUNDRY OF MY TENAUNTES’: LANDHOLDING IN LOUGHBOROUGH IN ‘TAWNEY’S CENTURY’

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The hundred years between 1540 and 1640, traditionally defined as ‘Tawney’s century’, were associated with disruption, instability and formative transformations and transitions in landholding, estates and the land market.¹ The accretion of monastic lands acted as a catalyst on the land market from 1536–40 onwards, advancing the fortunes of some, identified by Tawney as the enterprising gentry.² A historiographical converse of the ‘rise of the gentry’ was the perceived ‘crisis’ of the aristocracy, restricted in its ability to respond to the inflationary pressures which accelerated from 1540.³ More recently, a transformation in landed fortunes has been interpreted as the genesis of ‘agrarian capitalism’, by which the most precocious landlords and some of their tenants invested in and expanded their landholdings, exploiting their rural bases more efficiently.⁴ Tensions consequently ensued in the relationship between landlords and (some of) their tenants, particularly the latter who held by the customary tenure of copyhold.⁵ The context has been described as

¹ I am grateful to the staff of the Record Office for Leicestershire, Leicester and Rutland (ROLLR) for their invaluable assistance and for permission to cite documents in their custody, to Mary Robertson of the Huntington Library, San Marino, California (HL below), for unfailing kindness, and to the President and Board of Trustees of the HL for permission to cite from documents in their custody.

² For moral and pragmatic influences on the gentry’s management of their estates, F. Heal and C. Holmes, *The Gentry in England and Wales 1500–1700* (Basingstoke, 1994), pp. 112–16. For the impact of internal and external conditions on the fortunes of gentry families just to the south of Leicestershire, M. E. Finch, *The Wealth of Five Northamptonshire Families 1540–1640* (Northamptonshire Record Society xix, 1956).

³ For a succinct recapitulation, C. G. A. Clay, *Economic Expansion and Social Change: England 1500–1700 I People, Land and Towns* (Cambridge, 1984), pp. 142–58.

⁴ R. Brenner, ‘Agrarian class structure and economic development in pre-industrial Europe’, in T. H. Aston and C. H. E. Philpin, eds, *The Brenner Debate. Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge, 1985), pp. 10–63. For some examples of consolidation of holdings – agglomerations – J. P. Cooper, ‘In search of agrarian capitalism’, in Aston and Philpin, eds, *The Brenner Debate*, pp. 153–4; J. Whittle, *The Development of Agrarian Capitalism. Land and Labour in Norfolk 1440–1580* (Oxford, 2000). For a specific example of the sort of conflict which might ensue between lord and copyhold tenants, P. Edwards, ‘The decline of the small farmer: the case of Rushock, Worcestershire’, *Midland History* xxi (1996), pp. 80–2.

⁵ For an eloquent re-statement of the significance of custom, A. Wood, *The Politics of Social Conflict. The Peak Country 1520–1770* (Cambridge, 1999), pp. 127–37; Wood, ‘Custom and the social organisation of writing in early modern England’, *Transactions of the Royal Historical Society* 6th ser. 9 (1999), pp. 257–69. The most succinct explanation of copyhold and its relationship to the custom of the manor remains A. W. B. Simpson, *A History of the Land Law* (2nd edition, Oxford, 1986), pp. 144–72.

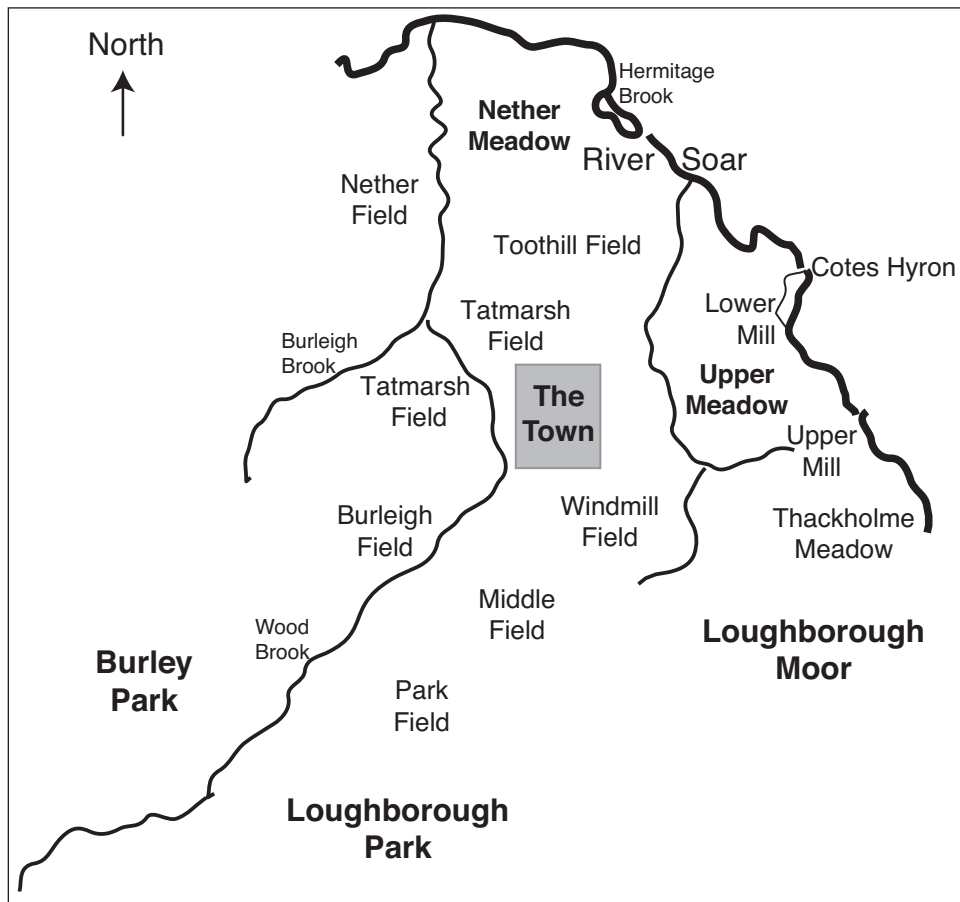


Fig. 1. The fields and meadows of Loughborough.

a conflict between custom and improvement which involved a contest over custom.⁶ The issues of rural landholding during these three or four generations thus extend to the condition of the ‘peasantry’, the ability of landlords to adapt or exploit and the nature of seigniorial policy, the stratification of landholding within the ‘peasantry’ through engrossing and consolidation of holdings, consequent to their activity of the local land market, and the persistence or otherwise of landholding dynasties and networks.⁷ One simple introductory comment may be made about transactions in real estate in the sixteenth and seventeenth centuries: the market was fluid in

⁶ R. W. Hoyle, ‘Introduction: custom, improvement and anti-improvement’, in Hoyle, ed., *Custom, Improvement and the Landscape in Early Modern England* (Farnham, 2011), pp. 4–5, 16; H. Falvey, ‘The articulation, transmission and preservation of custom in the Forest community of Duffield (Derbyshire)’, in Hoyle, ed., *Custom, Improvement and the Landscape*, pp. 69–73.

⁷ For an overview, Clay, *Economic Expansion and Social Change*, pp. 53–101. On risk, K. Wrightson, *Earthly Necessities. Economic Lives in Early Modern Britain* (New Haven, CT, 2000), pp. 182–90.

general and in Loughborough in particular.⁸ A high volume of transactions in land remained a feature. It is with the structure of 'peasant' landholding and landlords' estate policy in the parish of Loughborough that this exploration is concerned. By 'structure' is intended here the contextual constraints on landholding in the early-modern Midlands: those factors in the relationship between lord, tenant and tenure which governed much of the accumulation of and relationship to the land.⁹ The counterpoint is the fluidity of the land market, partly constricted by considerations of inheritance and the family, but also exhibiting some volatility between 1540 and 1640, as land moved both outside and inside the family.

THE 'STRUCTURE' OF LANDHOLDING IN LOUGHBOROUGH

Loughborough was dominated by the lordship of the Hastings family. A smaller estate belonged to the Feoffees of the Bridge Trust, which administered its lands for the maintenance of the main bridge, smaller bridges and planks, and from 1547 the school. Some gentry houses were situated in the rural part of the parish, but the principal landlords which influenced tenant right were the Hastings and the Bridgewardens. As will be explained below, these two landholders adopted different policies of estate management, determined to some extent by their historical development. The lordship of the Hastings family conformed to the obligations imposed by manorial development and the relationships between lords and tenants, customary and free. In contrast, the Feoffees had greater flexibility in the management of their lands, unrestricted by manorial custom.

The tenurial complications of the parish can now be described. By far the largest amount of land was held in copyhold of the manor of the Hastings family, both rural land in the parish and tenements in the urban centre. Indeed, inhabitants holding tenements in the urban centre could be defined as rural, since their economic interest was in the rural lands in the commonfields associated with their urban-located tenement. The general terms of the copyhold were denominated in a survey of October 1620: customary tenants holding by copy of the court roll at the lord's will according to the custom of the manor and their ancient customs used within the manor.¹⁰

All transactions in copyhold land – including those tenements held in the urban centre – were necessarily by surrender and admission in the manorial court. The process and its implications may be illustrated by an example. At the turn of the century, Robert Swifte surrendered into the lord's hands in the court a message

⁸ The character and volume of these transactions varied by region and *pays*; compare, for example, M. Zell, *Industry in the Countryside. Wealden Society in the Sixteenth Century* (Cambridge, 1994), pp. 10–51, where the dominant regime was smallholdings, fragmentation and partible inheritance. In the south of Leicestershire, conditions were not dissimilar to those in Loughborough, nor entirely consistent: C. Howell, *Land, Family and Inheritance in Transition. Kibworth Harcourt 1280–1700* (Cambridge, 1983); J. Goodacre, *The Transformation of a Peasant Economy. Towns, People and Villagers in the Lutterworth Area 1500–1700* (Aldershot, 1994).

⁹ Obviously missing from this account of landholding are labourers, for whom see now C. Muldrew, *Food, Energy and the Creation of Industriousness. Work and Material Culture in Agrarian England, 1550–1780* (Cambridge, 2011).

¹⁰ HL HAM Box 25, folder 11, p. 3.

and three cottages in Hallgate and a virgate of land ...Ea mente intencione et spe (by this intent, purpose and hope/desire) ... that admission be granted to Magnus Barfote, Robert Barfote and Magnus's wife Dorothy to hold by copy of the court roll for their lives and the life of the longer liver ... Ad voluntatem Domini secundum Consuetudinem manerii predicti (at the lord's will according to this manor's customs), for the defined annual rent (just over 20s.) and remitting an entry fine of £8.¹¹

The language of the surrender and admission deserves some comment: it was much more complex than in other manorial courts, which were satisfied with the more usual formula of surrender ad opus (to the use of) another tenant. The convoluted diplomatic for Loughborough copyhold emphasised the active role of the lord in allowing and permitting the transaction. The verbosity was intentional and rhetorical. The terms of the tenant's request are presented as a supplication. The other, more normal, aspect of the copyhold transaction is the custom which had evolved of copyhold tenure for three named lives, pervasive and without exception in the manor. Copyholds were held not by inheritance, but for three named lives, after which they 'fell in' (reverted to the lord).

Excluding the institutional free tenants such as the Feoffees, at the end of the sixteenth century 37 inhabitants held some land by free tenure, including four designated gent.: Samuel Aylmer, Edward Nixe, Thomas Villers and George Willock.¹² Although Robert Henshawe was elsewhere described as gent., that title was omitted in this particular listing. About half of the Bridge Feoffees appeared as individuals in this list of free tenants. Just under a third of these free tenants held a cottage; at the other end of the scale one held a messuage and a virgate, and another a messuage and one-and-a-quarter virgates.¹³ About a third held what were described as tenements or messuages without any further specification. Three held shops. The variety of free holdings was thus dispersed across a wide spectrum.

Despite a formal, legal distinction between the categories of copyhold and freehold, actual tenurial arrangements did not observe such a clear classification. The potential for admixture is reflected in the description of some holdings in surveys around the end of the sixteenth century:

Curia Recognicionum terram [sic] liberorum tenentium quam tenent per Copiam Rotuli Curie per Indenturam ad terminum vite & Annorum necnon ad voluntatem prenobilis Domine ...

[Court of recognitions about free tenants' land which they hold by copy of the court roll by indenture for term of life and years as well as at the honourable lady's will]¹⁴

Hybrid tenures rendered the theoretical distinction ambiguous.

¹¹ HL HAM Box 25, folder 3, p. 38.

¹² HL HAM Box 25, folder 3, pp. 19–21.

¹³ HL HAM Box 25, folder 3, pp. 24–30.

¹⁴ HL HAM Box 25, folder 3, p. 43.

'STRATIFICATION' OF TENANTS' HOLDINGS

Ignoring for the moment these differences of tenure, the economic (as opposed to legal) 'structure' of landholding can be elicited from the several surveys conducted at the very end of the sixteenth century and early in the seventeenth century. The most comprehensive appears to be the court survey of 6 October 1620.¹⁵ Although there are other listings of tenants, they are confusing and appear to be incomplete.¹⁶ The hierarchy of holdings is tabulated below (Table 1). This table omits multiple cottages held by substantial tenants, since they were included at the head of the tenemental 'structure' with their conventional yardlands. The tenements of the Bridge Feoffees cum Bosworth School are also excluded, as the table is concerned with individual tenants, not institutional ones. Where the number of yardlands only is specified in the table, the tenants also held messuages and tenements in the urban centre, but the concentration here is on their rural landholding.

In the description below, the technical terms yardland and virgate are synonymous (here 26 acres) and similarly oxgang and bovate (here merely nine acres rather than the conventional half of a virgate).¹⁷

At the apex of the hierarchy persisted some families that accumulated status and position in the manor and parish in the late sixteenth and early seventeenth centuries. These kinships provided the members of the Feoffees, the highest station of social honour in the parish. Robert Henshawe, for example, in 1607 occupied a messuage and yardland.¹⁸ Whether he retained them or not, the following also passed through his hands: three cottages; a messuage, yardland and garden; a messuage (converted from a barn) in Baxtergate and a bovate; and a cottage and garden at Fishpool Head.¹⁹ Additionally, Dorothy Henshawe possessed a messuage, two crofts, two yardlands, meadow and other lands.²⁰

Size of holding	Number of tenants
4 yardlands	1
3 yardlands	2
2 yardlands	2
1.5 or 1.75 yardlands	2
1 yardland	11
half yardland	14
3 tenements	1
2 tenements	4
1 tenement	13
1 messuage	12
1 cottage	80
1 shop	7

Table 1. Stratification of landholding in Loughborough, 1620.

¹⁵ HL HAM Box 25, folder 11, esp. pp. 1–2.

¹⁶ HL HAM Box 25, folder 4; HAM Box 25, folder 5.

¹⁷ For the size of the yardland or virgate, HL HAM Box 25, folder 11, p. 19; for the bovate or oxgang, HAM Box 25, folder 9, p. 14.

¹⁸ HL HAM Box 25, folder 9, p. 11.

¹⁹ HL HAM Box 25, folder 9, pp. 49, 192; HAM Box 25, folder 11, pp. 1, 8.

²⁰ HL HAM Box 25, folder 11, pp. 6–7.

His colleague in the Feoffees, Magnus Barfote, acquired a tenement in Churchgate and a bovate in copyhold for three lives and, separately, a cottage.²¹ At one stage, he also acquired a messuage and three cottages in Hallgate and a virgate, all in copyhold.²² Barfote was one of those in the advantageous position of accumulating miscellaneous lands, leased lands and dis-parked lands, for which a premium was usually demanded. In 1614, he assumed three acres of meadow, two acres of leas, and another acre for 21 years at a rent of £3 2s. 6d. and entry fine of £2 6s. 8d. With his associate from the Feoffees, Tisley, he invested in the moiety of a close of meadow, with leas and arable, for the same term, at a rent of £6 11s. 0d. and a fine of £50. Simultaneously – still in 1614 – he took on his own a lease of the close called Weydon, for a rent of £8 18s. 4d. and entry fine of £10. His intervention in the land market may have been inspired by commercial enterprise, for he assigned the first lease to John Dixon, his interest in the second one to Luke Melborne, and the third (Weydon) to William Salte. In addition, in the same dispersal of land by the earl in 1614, Barfote accepted a lease of other leas, meadow and lands, of a very disparate nature, for a rent of £3 6s. 8d. and fine of £6 13s. 4d.²³ Although a tanner, Barfote thus invested in the land market.²⁴

Besides belonging to the honorific network of the Feoffees, Edmund Tysley pertained to an influential kinship in Loughborough. He on his own was admitted to a messuage, barn and orchard in the marketstead with its associated two virgates of land and a parcel of waste – one of the largest holdings in the manor and parish, for which he accordingly proffered a large entry fine of £18. Significantly, one of his pledges for this transaction was Magnus Barfote. Shortly afterwards, Tysley disposed of his messuage on Sparrow Hill and its appurtenant bovate. As well as acquiring a substantially larger holding, he also migrated from the periphery of the urban area to its central precinct in the market place.²⁵ His relatives were equally assiduous: John Tisley, for example, in 1619 held a messuage in Woodgate with an oxgang in copyhold for three lives, whilst Bartholomew Tysley, his father, had held a messuage and bovate.²⁶

Like Tysley, Thomas Hebbe encumbered himself with a large entry fine (£10) to obtain a messuage in the market place, a croft and a yardland in 1604.²⁷ Similarly, he induced his associate Feoffees, Robert Henshawe and Robert Woollandes, to stand as his surety as pledges when he was admitted to the land. He added to his accumulations a messuage at Fishpool Head, a close in Serlethorpe, and 18 selions of arable. At its apogee, his landholding comprised a messuage and its yardland, the messuage in the marketstead, half a yardland, another messuage and croft, a tenement, and three acres of meadow.²⁸

²¹ HL HAM Box 25, folder 3, pp. 105–6; HAM Box 25, folder 9, pp. 8, 10.

²² HL HAM Box 25, folder 3, pp. 38, 115, 116.

²³ HL HAM Box 25, folder 9, pp. 17–20.

²⁴ HL HAM Box 25, folder 3, p. 79, where he is described as tanner.

²⁵ HL HAM Box 25, folder 3, p. 53; HAM Box 25, folder 9, pp. 12–13.

²⁶ HL HAM Box 25, folder 3, p. 115; HAM Box 25, folder 9, p. 12. For other references to these Tisley holdings, HL HAM Box 25, folder 9, pp. 88, 89, 157; HAM Box 25, folder 11, p. 2.

²⁷ HL HAM Box 25, folder 9, pp. 13, 38.

²⁸ HL HAM Box 25, folder 11, pp. 4, 9.

Another Feoffee, James Slack, had a similar extent of interest in rural lands, holding a messuage and virgate.²⁹ This standard holding he augmented in acquiring a messuage, garden, two cottages and lands.³⁰ When the court roll subsequently recorded his alienation of his copyhold messuage, barn, garden, orchard, two virgates and small parcel of waste, and then a close and oxgang in Shelthorpe, the extent of his acquisitions becomes clearer. He also disposed of the close called Dexter's Thing.³¹ He nevertheless received half a virgate from his co-Feoffee, Magnus Barfote.³²

Another acquisitive Feoffee was Humphrey Blower, the tenant of a messuage, cottage and orchard in the Bigging with its associated yardland in the fields, to which he appended more land (just over four acres) and pasture.³³ On his admission to this copyhold, his fine was assessed at £10, for which he depended on his co-Feoffees as pledges, Magnus Barfote and Geoffrey Goodwyn.³⁴

A tenement in the market place belonged to Geoffrey Goodwyn, where he also maintained a shop in Hucksters Row, but he also cultivated three bovates in the fields.³⁵ Although a substantial tenant, he did not attempt to increase his holdings. Much the same obtained with his co-trustee of the bridge fund, John Fowler, tenant in copyhold of a messuage in Baxtergate and a virgate, with a cottage, croft and eight selions of land.³⁶

At the hierarchy of landholding in the manor thus stood individual tenants from those families which had established their superiority through a monopoly of the principal offices in the parish, the Feoffees of the Bridge Trust. Their inter-relationship and network extended to landholding, their domination of the copyhold tenures.

Ambiguities of tenements

A complication of the above description of landholding is, nonetheless, some ambiguity and ambivalence in the description of holdings. First, there is the relationship between 'urban' and 'rural' property within the parish. That distinction is sometimes hard to define in terms of the tenants of the land, since a proportion held property of both an urban and rural nature. Second, the terms of tenure must be more closely examined, since not only were there divergent forms of tenure (freehold, copyhold and leasehold), but some tenants naturally acquired an inter-mixture and a confusion of tenures. The issue of sub-tenancies presents another complication, one not easily resolved. It is also necessary to differentiate, with copyhold land, when the property was being alienated (outside the family) and when it was simply being surrendered for re-admission for new lives in line with changes in the family

²⁹ HL HAM Box 25, folder 5, p. 1.

³⁰ HL HAM Box 25, folder 9, court section, p. 39; HAM Box 25, folder 11, p. 2.

³¹ HL HAM Box 25, folder 3, pp. 41, 43, 105–6.

³² HL HAM Box 25, folder 3, pp. 49, 116.

³³ HL HAM Box 25, folder 11, p. 9.

³⁴ HL HAM Box 25, folder 9, p. 11.

³⁵ HL HAM Box 25, folder 3, p. 104; HAM Box 25, folder 9, p. 147.

³⁶ HL HAM Box 25, folder 9, pp. 97, 136; HAM Box 25, folder 11, p. 5.

and household. Finally, there is the conundrum of what constituted a particular type of holding.

Perhaps it is easier to commence with the last difficulty first, since it is fundamental to a classification of the economic and social position of Loughborough's inhabitants. Although the hierarchy of tenements, messuages and cottages appears to reflect the social hierarchy, inaccuracy of description of holdings complicates the 'structure'. Unfortunately, the definition of holdings was not always clear. At the inception of the seventeenth century, for example, the widow Alice Shawe surrendered a cottage *per nomen unius messuagii* ('termed a messuage') in the Bigging.³⁷ In the following year, this same copyhold property was surrendered and described again as *unum Cotagium per Nomen unius messuagii*.³⁸ In the same year, John Judde surrendered a *Tenementum sive Cottagium* ('a tenement or cottage') in Highgate.³⁹ At the same time, Clement Pettie surrendered a messuage or tenement.⁴⁰ When Thomas Harriman had the conditions of his copyhold renewed in 1613, the property was described as a tenement or cottage.⁴¹ That copyhold tenure re-arranged by William Jackson in 1612 was defined in the same terms.⁴² The surrender by Elizabeth Parsons in 1611 comprised her cottage or messuage in the Bigging.⁴³

One of the most obvious confusions surrounds the former Leamyngton's House, which had been occupied by the wool merchant and Merchant of the Staple, William Leamyngton. In the sixteenth and seventeenth centuries it passed into the hands of Robert Wyeth, gent., then William Peach, gent., and then Edward Fynniss, gent. It continued, nonetheless, to be described as a cottage and garden at the east end of Sparrow Hill.⁴⁴

Any attempt to resolve the matter of sub-tenancies and subletting encounters insurmountable difficulties. The response to articles of enquiry at the end of the sixteenth century professed that copyholders could sublet their tenements without the lord's licence for terms under three years and cottagers similarly for one year.⁴⁵ Such subletting will therefore be concealed from our view. Some of the ostensible 'alienations' of copyhold land by surrender and admission in the manorial court were probably, moreover, no more than mortgages, but certainty is impossible. It might be assumed, for example, that the continuous transactions involving William Hebbe and the White Hart inn must have involved some mortgaging of this copyhold property. We have, nonetheless, only one explicit mortgage of a copyhold tenure, when three shops at the corner of Baxtergate and Hucksters Row were mortgaged for a term of three years by surrender and admission.⁴⁶

³⁷ HL HAM Box 25, folder 3, p. 48.

³⁸ HL HAM Box 25, folder 3, p. 115.

³⁹ HL HAM Box 25, folder 3, p. 77.

⁴⁰ HL HAM Box 25, folder 3, pp. 53, 115.

⁴¹ HL HAM Box 25, folder 9, p. 12.

⁴² HL HAM Box 25, folder 9, p. 12. For further examples of cottages or tenements, HAM Box 25, folder 9, court book section, pp. 16(1), 17(2), 44(1), 197(1).

⁴³ HL HAM Box 25, folder 9, court book section, p. 191.

⁴⁴ HL HAM Box 25, folder 9, p. 35.

⁴⁵ HL HAM Box 25, folder 3, p. 9.

⁴⁶ HL HAM Box 25, folder 3, p. 105.

'Consolidation' and aggregation of holdings: cottages

One of the facets of property holding was the accumulation of cottages into the hands of some of the larger inhabitants. At the beginning of the seventeenth century, for example, Robert Swifte surrendered a messuage and three cottages in Hallgate to Magnus Barfote, for the lives of Magnus, Robert Barfote and Magnus's wife, Dorothy, in copyhold tenure, the entry fine assessed at £8. What is represented here is the acquisition of cottages by the larger landholders to provide for accommodation for their labourers.⁴⁷ The entry fine reflects the level of investment Magnus was prepared to make.⁴⁸ Considerable capital was invested in cottages by the Newtons, such as the three cottages under one roof in Churchgate.⁴⁹ Four cottages in Woodgate, lately in the tenure of John Browne, were acquired by Edward Gilbert as copyhold for three lives.⁵⁰ The Hurt family had the copyhold of three cottages in Highgate as well as another at the west end of the town towards Burley.⁵¹ In Hallgate, three cottages were accumulated by Clement Fouler, along with his messuage there.⁵² It appears that John Leake held a number of cottages in Woodgate.⁵³ The first entry ascribed to him a messuage in Highgate and two cottages in Woodgate, but a marginal memorandum added another four cottages in Woodgate occupied 'in Cooler of this copie', somewhat ambiguously. Amongst the surrenders and (re-)admissions executed in the early seventeenth century, several tenants had copyhold rights in a number of cottages: William Webster in three cottages in Highgate (1617); the Newtons in six cottages in the Rushes, one in Fennell Street, three under one roof in Churchgate, and another near Burley Park (acquired between 1606 and 1619); and Henry Patchet in four cottages in Woodgate (1607).⁵⁴

The survey of 6 October 1620 allows a better assessment of the subsequent tenure of cottages, by which time the holding of multiple cottages seems to have subsided somewhat. A few principal tenants still retained a number of cottages. Both Robert Henshawe, gent., who had three cottages, and Thomas Hebbe, with two, had substantial rural lands in the parish.⁵⁵ Henshawe, for example, held two messuages, a virgate and a bovate of land. Ann Harrison, who held a yardland, retained three cottages.⁵⁶ By this time, however, the retention of multiple cottages appears to have declined. Although five tenants held two cottages each and Henshawe and Harrison three each, 73 other tenants each held one cottage. They were not necessarily all held by cottagers. Mr Browne, the parson, for example, had a cottage, no doubt to accommodate a labourer to assist his husbandry of his three yardlands.⁵⁷ Humphrey

⁴⁷ H. S. A. Fox, 'Servants, cottagers and tied cottages during the later Middle Ages: towards a regional dimension', *Rural History* 6 (1995), pp. 125–54.

⁴⁸ HL HAM Box 25, folder 3, pp. 38, 115, 116.

⁴⁹ HL HAM Box 25, folder 4, pp. 7, 19.

⁵⁰ HL HAM Box 25, folder 3, p. 5.

⁵¹ HL HAM Box 25, folder 4, p. 8.

⁵² HL HAM Box 25, folder 4, p. 11.

⁵³ HL HAM Box 25, folder 4, p. 10.

⁵⁴ HL HAM Box 25, folder 9, p. 13; HAM Box 25, folder 9, court book section, pp. 7, 51, 135.

⁵⁵ Their lands are described at HL HAM Box 25, folder 11, pp. 4, 6, 8, 9: the survey of 6 October 1620.

⁵⁶ HL HAM Box 25, folder 11, p. 7.

⁵⁷ HL HAM Box 25, folder 11, p. 1.

Blower was admitted to the copyhold of two cottages, probably to employ labourers to cultivate his considerable acreage.⁵⁸ Without doubt, nonetheless, the great proportion of the cottages was occupied by cottagers not retained labour.

Land transactions: copyhold

If we consider copyhold transactions in the court in three years around 1600, 14 involved securing the tenure within the family in line with changes in the family's life-course, redefining the specification of the lives; 22 others were apparently arrangements for the tenure to move outside the family.⁵⁹ At this point, then, there was some fluidity in the land market for copyhold land.

Considering further transactions in copyhold tenures between 1605 and 1621, just under 200 surrenders and admissions were effected.⁶⁰ Preponderantly the arrangements were consolidations within the family, with only some 15 per cent comprising transfers outside the family, essentially alienations. The intrinsic difficulty, however, is that the Earl of Huntingdon invoked another recognition of copyhold tenures in 1614 which effectively just confirmed existing copyhold tenures on payment of a small entry fine (or, in this case, a recognition). The alienations as a proportion of all transactions thus attained a higher level, but further than that, transfers ostensibly outside the family were concentrated in the two years 1610 and 1611, which suggests that these copyhold tenants were making arrangements during or after the worst incidence of infectious disease and mortality (1609–10).⁶¹

Seigniorial 'policy': tenements

As mentioned, in 1614 the Earl of Huntingdon put into effect several new arrangements. By this process, he demanded a recognition of and from existing copyhold tenures. Additionally, however, he introduced some leases for 21 years of both new urban and rural holdings;⁶² 24 cottages in the urban centre were leased out in this manner. Probably all these cottages consisted of recent builds on the periphery of the urban centre, as it incrementally expanded, for they were situated in Fennell Street (one), the Rushes (nine), Woodgate (four) and Fishpool Head (six), all locations which had hitherto constituted the edge of the urban space.⁶³

This action was a rupture with previous arrangements, since cottages, even in the urban centre, were traditionally and customarily held in copyhold tenure. The

⁵⁸ HL HAM Box 25, folder 11, p. 9.

⁵⁹ HL HAM Box 25, folder 3, pp. 102–10, 115–16. There is a certain amount of duplication as the court rolls record first the surrender and admission in one place and then an estreat (schedule) of fines in another section.

⁶⁰ HL HAM Box 25, folder 9, pp. 1–14 and court book section. Again, some approximation is involved because of potential double recording.

⁶¹ Nicholas Griffin, 'Epidemics in Loughborough, 1539–1640', *Transactions* xliii (1967–8), pp. 24–34.

⁶² For the potential benefit to landlords of conversion to leases, Hoyle, 'Introduction', pp. 4–5.

⁶³ HL HAM Box 25, folder 9, pp. 15–20.

change, the replacement of estates for tenures of cottages, signals an attempt to escape the restrictions of copyhold tenure and to introduce more flexibility.⁶⁴ It also brought the earl's organisation into line with the policy of the Feoffees which, as a charitable trust, had adopted the prescriptions of the 1571 Act which required leases for no longer than this term.⁶⁵

The new terms for cottages remained, nonetheless, beneficial for the lessees, with not unreasonable levels of fines and rents (for which, see below). Indeed, the annotations of the survey reveal the beneficent nature of the terms for takers of these cottages. A cottage leased to William Purefray from 1615 expected a rent of 3s. 4d. per annum, but 'noe fine expressed'.⁶⁶ The memorandum tracked the subsequent assignments of the lease, first to Thomas Hough for a 'fine' of £12 in 1616, then in 1617 by Hough to Webster by indenture in 1617 for a 'fine' of £35. It was from the subsequent transfers between tenants that the lord profited rather than the original leases. Perhaps we can surmise two points from this episode: first, the lord's desire to facilitate the expansion of the town by encouraging small domestic dwellings; and second, the high value of and demand for those properties.⁶⁷

By and large, the lords of the manor did not exact penal amounts from their tenants for their customary or copyhold lands. No real effort was made to compensate for the low rents of copyhold tenures by increasing entry fines to extreme levels.⁶⁸ Even in 1614, when the earl compelled his tenants to offer recognition for their existing tenures, the amounts of the entry fines remained low, perhaps especially in that case. In the three years around the turn of the century, 11 transactions were conducted in copyhold cottages: the fines ranged between £1 and £2 13s. 4d. One exceptional fine of £4 was associated with a cottage with lands.⁶⁹ Messuages involved fines of £3 to £5. Of three dozen entry fines, merely three exceeded £5: the £12 demanded for The George Inn; £8 for a messuage, three cottages and a virgate of land; and £18 for a messuage, barn and two virgates of land. All were exceptional investments in the largest tenures in the manor and parish. In all three instances, moreover, the property was ostensibly moving outside the family. Overall, otherwise, there was no difference in the level of the entry fine whether the property moved in or outside the family; in a few cases, properties moving outside the family incurred a slightly larger fine, but by and large there was little difference. A virgate moving out of the family, for example, was associated with an entry fine of £4, a half virgate being alienated with another of £4, and a messuage sold outside with one of £5, but these were not exorbitant or excessive

⁶⁴ For the difference between tenures and estates, Simpson, *History of the Land Law*, pp. 1–2; leases were, moreover, defined as personal estate not real estate.

⁶⁵ E. Kerridge, 'The movement of rent, 1540–1640', in E. M. Carus-Wilson, ed., *Essays in Economic History* Volume Two (London, 1962), pp. 208–26, at p. 212; *Ecclesiastical Leases Act 1571* (1571 c.10 (Regnal. 13_Eliz_1) (repealed in 1998)); R. Megarry and H. R. Wade, *The Law of Real Property* (5th edition, London, 1984), p. 1027.

⁶⁶ HL HAM Box 25, folder 9, p. 16.

⁶⁷ See M. Clark, 'The gentry, the commons, and the politics of common right in Enfield, c.1558–1603', *The Historical Journal* 54 (2011), pp. 609–29, for lords appropriating the commons and waste to build cottages under the 1589 Cottages Act.

⁶⁸ Compare Kerridge, 'Movement of rent'.

⁶⁹ HL HAM Box 25, folder 3, pp. 105–6.

levels and not much above the run of fines for copyholds remaining within the family.

Much the same levels were obtained in the surrenders and admissions to copyhold tenures between 1603 and 1621, during which we have 45 entry fines recorded on the court rolls.⁷⁰ Only four entry fines exceeded £5. Ten pounds were exacted from a widow to allow her to retain her copyhold bovate, the fine perhaps reflecting an element of insecurity in continuing her tenure of a largish property. In the case of £10 demanded for the larger holding of a yardland, the steward might well have been taking advantage of the economic status of Thomas Hebbe, able to afford more to acquire yet more land. The bovate assumed by William Marshall accrued £14 in entry fine and the lord demanded £9 for a message with some miscellaneous associated lands. One unspecific tenement attracted an entry fine of £6. None of these properties was moving outside the family, but they did all constitute significant holdings locally.

On the other hand, two separate yardlands were transferred for entry fines of merely £3 6s. 8d. and £2. Four different bovates accounted for entry fines of only £3 6s. 8d., £2, £2 and £3 13s. 4d. Admissions to single cottages incurred entry fines of, at the highest, £2 13s. 4d., but often much less. Even multiple cottages might be acquired for reasonably low entry fines, such as the six which attracted a fine of no more than £4 5s. 0d. An exception again involved a woman tenant of a cottage whose continuation in the copyhold might have been construed as a perceptible risk: she had to forfeit £6 13s. 4d.

The countess dowager appraised the condition of the estate in 1607. Increasing sophistication of landed estates transformed the administration and exploitation of some estates in the early seventeenth century, through the introduction of new techniques of surveying, greater accuracy, and the rhetorical importance of the definition of customs and tenures.⁷¹

In 1614, as discussed above, the earl decided to lease numerous cottages for terms of 21 years. Whatever the rationale behind the transition to another policy, no attempt was made to recover high entry fines. The highest entry fine for admission to one of these leased cottages consisted of £4. Eight, moreover, had the meagre entry fine of 13s. 4d. each. The fine for admission to nine others did not exceed £3 each.

There is an intimation that seigniorial attitudes in the late sixteenth century to the properties in Loughborough involved some consternation. A valuation of the lord's copyhold tenancies at that time suggests that their sale might have been considered at this point. It is also possible, of course, that as tenures abruptly terminated about this time as a result of the epidemics of the late 1550s, an advantage was taken to revise upwards the lord's fiscal interest in the new takings of copyholds.⁷² The survey

⁷⁰ HL HAM Box 25, folder 9, pp. 11–14 and court section.

⁷¹ For example, R. W. Hoyle, 'Shearing the hog': the reform of the estates, c.1598–1640', in Hoyle, ed., *The Estates of the English Crown 1558–1640* (Cambridge, 1992), pp. 204–62; A. Fox, 'Custom, memory and the authority of writing', in P. Griffiths, Fox and S. Hindle, eds, *The Experience of Authority in Early Modern England* (Basingstoke, 1996), pp. 89–116.

⁷² John Marius Wilson suggested that sweating sickness affected the town and parish in 1557, but the want of registration between 1553 and 1558 renders confirmation difficult.

containing these marginal valuations of copyholds remarked, for example: 'note this was forfeited by Rigmaden for want of lyves'.⁷³

One particular survey can be assigned to 1566×1574. This date can be predicated on biographical data of some of the tenants. Some selectivity is necessary because of the confusion of homonymous tenants. Alice Kettle, listed with her son in the survey, was buried in August 1579, denoted in the parish register as a widow. Ann, wife of William Roome, was interred in the same year. Lives were held by Clement Petty and his wife Helen; their marriage was celebrated in 1566 (she born a Dicsone). The lives of Clement Fowler and his wife Ann depended on their marriage in 1567 (her maiden name Sartson). Indicating a date of compilation before the 1580s, Margaret Villers, tenant in the survey, was buried in 1584 as Mistress Margaret Villers, and the burial of another tenant, Agnes Newton, was inscribed in the parish register in 1583, as well as her designation as widow.

In sum, then, we can deduce that the lords remained rather beneficial to their copyhold tenants. Copyhold lands continued to be granted on favourable terms, the rent customarily determined, but the entry fines for surrenders and admissions continuing at a significantly low level. No attempt was made to take great advantage if the tenure was alienated outside the family. Fines in alienations were slightly, but not significantly, higher than confirmations of existing copyholds or arrangements for new lives within the family. The beneficial attitude to entry fines extended particularly to cottages held by customary (copyhold) tenure – single dwellings in the town – to accommodate labourers and urban crafts. The indifference to levels of fines extended, nonetheless, to large rural holdings too.

Seigniorial policy: demesne and other resources

Other, more flexible, sources existed for extracting added value from the manor and parish: its market, but particularly its natural resources of meadow and parkland. Meadow was particularly valuable to the lord. Meadow leased at 13s. 4d. per acre brought an income of £56 13s. 4d. each year, supplemented by the £14 7s. 0d. annual receipt from meadow leased at 5s. per acre.⁷⁴

Simultaneously, the earl leased out large expanses of rural land for terms of 21 years.⁷⁵ Much of these new accretions derived from dis-parking and from parcels of demesne land, which allowed more fiscal flexibility. In 1614, these leased lands were composed of a miscellaneous mixture of types of property: arable closes, meadow and pasture; the herbage of Outwood Park; and the messuage previously the Unicorn Inn. The intention here was fiscal – to increase immediate revenue: the fines were higher than had been the norm and the rents were entirely economic ones. Some examples must suffice rather than reciting the particular details of all leases. The lease for 21 years of the messuage formerly the Unicorn Inn, with 15 acres of meadow and one bovate of land, incurred a rent of £7 per annum and

⁷³ HL HAM Box 25, folder 4, p. 88.

⁷⁴ HL HAM Box 25, folder 4, pp. 27–8: 'Medowe Letton yerlie for xiijs. iiijd. every acre' and 'Medowe Letton at vs. the acre by my Lords lettres & Commandment'.

⁷⁵ HL HAM Box 25, folder 9, pp. 15–20.

an entry fine of £70. The lease of a moiety of a close of meadow with some leas accrued £6 11s. 0d. in annual rent and £50 for entry fine. The lease on these terms of 37 acres of arable land garnered a yearly income of £12 and a fine of £20. The total rents deriving from these new leases exceeded £200; the fines amounted to £498.

The great dis-parking of Loughborough Park brought huge new sources of income in the early seventeenth century.⁷⁶ Rent of £62 was received for the Great Laund; £40 for Pockett La(u)nd; £40 for miscellaneous lands; £34 for Butchers Laund divided between John Slack and Nicholas Henshawe; £12 for the Parrock, also shared by these two important local inhabitants; £18 for another Laund; and £8 for Wydone. The total rent receivable, moreover, from Sir George Hastings for his combined lands in the manor and parish, including Lemyngton's House, exceeded £101.⁷⁷ This movement accorded with the imperative for 'improvement' in the seventeenth century, converting what was perceived as unproductive use of land into tillage more useful for the locality and the commonwealth.⁷⁸ The rationale for the dis-parking consisted also, however, in the quick influx of new revenue. In this way, the Hastings avoided conflict with their tenants, by exploiting (what seem to be in this case) less contentious resources.

THE FEOFFEES OF THE BRIDGE TRUST

The estate of the Feoffees had been accumulated piecemeal without any manorial jurisdiction, existing as a trust, which allowed more flexibility in its management of its landed endowment. As early as 1573, the Feoffees had adopted the policy of leases for 21 years, concomitant with the Act of 1571.⁷⁹ Thereafter, the three dozen or so extant leases of the bridge properties down to 1650 conform to this term of years.⁸⁰ The property was concentrated in Baxtergate and Churchgate with outliers in Sparrow Hill and Woodgate, apparently with not much appurtenant land in the fields. The urban character of these holdings is represented in the number of cottages involved, but also in the status and occupations of the lessees. The tenants included weavers, fellmongers, wheelwrights, butchers, carpenters, glovers, (five different) shoemakers, a fishmonger, a baker and a labourer. Whilst the entire estate of the Feoffees was demised in leases for 21 years, the lords and officials of the Hastings manor could only adopt such leases at the margins, particularly for 'new takings', new holdings established on the fringe of the urban centre. Although 21 years constituted a finite term, there was perhaps some symmetry between the lordship and the Feoffees, for by the late sixteenth century three lives were being construed as

⁷⁶ HL HAM Box 25, folder 4, p. 24.

⁷⁷ HL HAM Box 25, folder 4, p. 29.

⁷⁸ Hoyle, 'Introduction', pp. 2–3; P. Warde, 'The idea of improvement, c.1520–1700', in Hoyle, *Custom, Improvement and the Landscape*, pp. 128–48, delineates the transition from improvement as increasing rental income to improvement in a wider sense.

⁷⁹ ROLLR DE2392/224: renewal of a lease of a house in Churchgate to the carpenter, Richard Huttcykson.

⁸⁰ ROLLR DE 2392/186–201, 224–42, 245, 247, 252–53, 274, 278, 280–81, 288–90.

the equivalent of 21 years.⁸¹ The difference remained in the manner of 'exploitation' of the tenants.⁸² In the case of the customary tenures for three lives, the lord had to await the falling in of the third life to exact a high entry fine as the customary rent was stable, or demand a high entry fine when the holding was transferred to a new tenant. The Feoffees could enhance the annual rent, certainly every 21 years. In the event, the fines exacted on the Hastings manor were not, in general, appreciable. No doubt the tenants noticed the difference and attempted to negotiate accordingly.

CONCLUSION

The benevolence of the Hastings lords and their local officials seems to derive from their position of largely absentee landlords, their more constant habitation being Ashby. The estate at Loughborough was mainly administered by officials and associates, such as the Skipwiths of Knighthorpe, with local knowledge (see the Appendix). Although the land market became increasingly volatile in the parish and manor, with a certain volume and velocity of transactions in land, customary tenure was not disrupted. Perhaps copyhold for three lives allowed lords sufficient flexibility for the lord by comparison with copyholds of inheritance. Entry fines, nonetheless, remained at fairly beneficent levels. Intermittently, lords revised their written records, especially through recognitions, but the outcome does not appear to have been deleterious to the tenantry. Perhaps lords had attempted to alter the terms and conditions of tenures and service, but failed. Equally, however, it was prudent, in the context of the volatility of the market and terms for three lives, to maintain some tracking of the movement of holdings. With the fragmentation of land and new accretions of land, that remit was even more of a necessity.

ACKNOWLEDGEMENT

Figure 1 is based on K. Boucher, ed., *Loughborough and its Region* (Loughborough, 1994), pp. 87–8.

APPENDIX

Commissio facta Willelmo Skipwith militi et aliis 22 Ja. 1606

To all christien people to whom theis presentes shall come I Katherine Co[untess]* Dowager of Huntingdon send greetinge in our Lord god everlastin[g]* Whereas I am informed that the estates of sundrye of my tenauntes in the Lordships of Loughborough and Barrowe in the Countie of Leic' are defective somme merely voyde & others voydeable And also that landes & tenementes within theis Lordships are nowe in my handes to be disposed of Knowe yee therefore in respect of the willingnesse I understoode my said tenauntes have to yeld me

⁸¹ Kerridge, 'The movement of rent', p. 212; Peter Bowden, 'Agricultural prices, farm profits and rents', in J. Thirsk, ed., *The Agrarian History of England and Wales Volume IV 1500–1640* (Cambridge, 1967), p. 687.

⁸² Clay, *Economic Expansion and Social Change*, pp. 88–9.

reasonable Composic[ion &]* satisfaccion for Confirminge those unassured estates & for the newe takeinge of those landes which nowe are in my handes T[hen]* I the said Countesse for the speciall trust Confidence & assurran[ce]* which I have & doe repose in my Welbeloved frendes Sir William Skipw[ith]* knight Frauncis Repps & Thomas Harrys gent Have autho[rised]* & appointed the said Sir William Skipwith knight Frauncis Repp[s &]* Thomas Harrys or anye two of them to be my Comissioners [...]* onely to <levye &>‡ veiwe & survey the said Lordships & to lett sett & de[mise]* to farme all & singular my landes tenementes within them or eythe[r]* of them as well Copie hold landes both in possession & Reuercion Demesne landes dureinge my lief But also to sell such & so manye of my Woodes within the said Lordships as they the said Sir William Skipwith knight Frauncis Repps & Thomas Harrys [or]* anye two of them shall thinke meete & Convenient And [...]* to Compunde with & graunt newe estates to all such of my tenautes whose interestes are voyde voydeable or defectiv[e]* as afore said in such manner & forme as their Councell lerne[d]* shall advise & as in me lawfully lyes to confirme and assure And for the better performance thereof to holde & keepe a[ll]* Courtes usuall within those Lordships And whatsoever my said Comissioners or anye two of them shall doe or cause to be donne in the premisses I the said Countesse doe hereby ratif[ie]* Confirme & allowe accordingly Willinge & requireinge a[ll]* my loveinge frendes officers & tenautes to be helpinge Ayde[ing]* & assistinge my said Comissioners for the better execucion o[f]* this my present Comysson To indure for one wholl yea[r]* after the date hereof In witnesse whereof I have he[re]* unto sett my hand & seale at Armes the Two and tent[ieth]* daye of Januarye in the yeares of the Raigne of our soueraigne Lord James by the grace of god of England Scotland Fraunce & Ireland Kinge defender of the Faith &c (That is to saye) of England Fraunce & Ire[land]* the fourth And of Scotland the forteith

*Ambiguous: tight binding ‡Deleted text (cancelled: struck through)