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978-0-521-10875-1 - Social Relations and Ideas: Essays in Honour of R. H. Hilton

Edited by T. H. Aston, P. R. Coss, Christopher Dyer and Joan Thirsk

Excerpt

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# 1. *The Origins of the Manor in England*<sup>★</sup>

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Comparatively little has been written recently on the origins of the manor. The exposition given by Maitland and Vinogradoff and closely followed by Sir Frank Stenton has been modified for certain areas; it has seldom been questioned as a whole.<sup>1</sup> The basis of early society, according to this view, was the free ceorl, owning absolutely one hide of land or its equivalent, and owing only royal dues, such folk-worthy and law-worthy men being associated together in free, lordless and nucleated villages. The gap between these men and medieval villeins, between these free villages and the manor, was bridged in a variety of ways. Grants of royal rights to ecclesiastics and laymen exposed the ceorls to the pressure of great lords who took advantage of economic insecurity, wars, famines, plagues, commendation and similar factors to depress them so that, in the end, in place of their free ownership of a hide, they came to hold normally between a quarter and a whole virgate or less, on most onerous and servile terms. Some place was, indeed, allowed to the creation of tenancies by lords themselves, but this was largely incidental. 'The central course of Old English social development', wrote Sir Frank Stenton, 'may be described as the process by which a peasantry, at first composed essentially of free men, acknowledging no lord below the king, gradually lost economic and personal independence'.<sup>2</sup>

Ultimately the evidence presented for this thesis must be subjected to detailed analysis, but certain of its limitations are

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<sup>1</sup> F. W. Maitland, *Domesday Book and Beyond* (Cambridge, 1897); P. Vinogradoff, *The Growth of the Manor*, 2nd edn (London, 1911); F. M. Stenton, *Anglo-Saxon England*, 2nd edn (Oxford, 1947).

<sup>2</sup> *Op. cit.*, p. 463. Cf. Vinogradoff, *op. cit.*, p. 235.

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obvious: much of it is of late date, and it draws heavily on the legal rather than the economic aspects of peasant history. No one would wish to deny that independent landowning peasants existed at all times, some with a hide of land or more. Yet they are very elusive figures. If the laws do indeed prove their existence, they certainly afford no evidence that such men were characteristic of early society.<sup>3</sup> Centuries later, in Domesday Book and afterwards, the free peasants were to make an impressive tale in some areas, but it is not easy to relate them to the origins of English society; while the 'free' elements in ancient demesne, which so impressed Vinogradoff, are hardly older than the thirteenth century, and insignificant beside the servile aspects of all villein tenure. Again, it is plain enough that some independent peasants were depressed; so too were some thegns. But even were we to grant for a moment that independent landowning freemen were originally ubiquitous, the reasons given for their general economic depression would hardly appear convincing. If the ordinary villager had a hide of land, can he really have been, as Maitland said, 'seldom far removed from insolvency',<sup>4</sup> when later, without substantial improvement in agricultural technique, the great majority of peasants lived on at most a quarter of that? Ceorls with a hide of land are surely nearer to yeomen, even gentlemen, than to crofters; and it is hard to believe that economic fluctuations (severe though they were throughout the middle ages), gelds, devastations, sentences in the courts, partible inheritance or similar causes could have brought about their general economic depression. Indeed, when the detailed history of the ceorl class is written, we shall find many rising, in an under-developed countryside, to noble rank; there would otherwise have been less point to the nostalgia of the eleventh-century writer on status.<sup>5</sup>

<sup>3</sup> By contrast, for ceorls with lords, see Northumbrian Priests' Law, comparing caps. 50, 53, 56, 59, 60, F. Liebermann, *Die Gesetze der Angelsachsen*, 3 vols. (Halle, 1903–16) [hereafter cited as Liebermann, *Die Gesetze*], i, pp. 383 f.; cf. *Anglo-Saxon Charters*, ed. A. J. Robertson, 2nd edn (Cambridge, 1956) [hereafter cited as RC.], no. cx. For freemen, see Laws of Ine, cap. 3.2; cf. cap. 70.

<sup>4</sup> *Op. cit.*, p. 326. Cf. Stenton, *op. cit.*, pp. 463 f.

<sup>5</sup> Liebermann, *Die Gesetze*, i, pp. 456 f., 460 f. Cf. *Codex diplomaticus aevi Saxonici*, ed. J. M. Kemble, 6 vols. (London, 1839–48) [hereafter cited as KCD.], no. mclxxxii; *Select English Historical Documents*, ed. F. E. Harmer (Cambridge, 1914), no. ii.

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More important are the chronological difficulties. The precise, even the broad, chronology of the growth of the manor was never systematically worked out, but it was generally agreed that most manorial development came shortly before and shortly after the Conquest. 'The advent of the manorial epoch', according to Vinogradoff, 'is roughly marked by the Norman Conquest' and the history of the generations following the Domesday Survey 'is full of details as to the systematic simplification and elaboration [*sic*] of the hurried manorial scheme into a comprehensive and national order'.<sup>6</sup> It is clear that this emphasis on the importance of 1066 and the post-Conquest period is no longer satisfactory. Almost all the detailed work on Domesday Book and the early estate surveys has emphasized that the Conquest did not interrupt the general continuity of agrarian and manorial life and that, for all the many changes in individual fortunes, there was no social revolution among the peasantry.<sup>7</sup> Nor can the development of the manor as an economic unit be pushed into the twelfth century for there was then a substantial decline in two of its most important constituents, demesne and labour services;<sup>8</sup> a decline which, indeed, continued later on a great many estates. Thus the legal definition of the manor and its tenurial relationships in the later twelfth and thirteenth centuries came after the manor as a functioning economic unit, a farm, had suffered notable reduction. It could, of course, still be true that the manor grew in the ways envisaged in the traditional view of its history, even if the Normans are seen to have given it little more than its name. But, when forced mainly into the Anglo-Saxon period, the whole picture of its growth becomes less plausible. Is there time between the alleged flourishing of a free peasant society (exemplified in seventh- and ninth-century laws) and the mid-eleventh century, for the gradual rise of landlordship, in which the Danish invasions played a large part, and the emergence of a manorialism, with

<sup>6</sup> *Op. cit.*, pp. 291, 302.

<sup>7</sup> E.g. Stenton, *op. cit.*, p. 473; *Feudal Documents from the Abbey of Bury St. Edmunds*, ed. D. C. Douglas (Oxford, 1932), p. cxxxiii. And compare the *Rectitudines singularum personarum* (Liebermann, *Die Gesetze*, i, pp. 444–53) with twelfth-century estate surveys.

<sup>8</sup> M. M. Postan, 'The Chronology of Labour Services', *Trans. Roy. Hist. Soc.*, 4th ser., xx (1937), pp. 169–93.

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large demesnes and heavy labour services, already on the point of decline, indeed already declining?<sup>9</sup> It is possible; but is it likely?

\* \* \*

Few historians have ever doubted that, in its upper ranks, Anglo-Saxon society was, from the beginning, very aristocratic and organized by lordship.<sup>10</sup> Around the king was a courtly group, military and ecclesiastical, whose members constituted a nobility with important legal privileges; and these lords, in their turn, had followers bound to them as closely as they themselves were to the king. In times of crisis, these bonds of lordship might weaken; does not Alfred emphasize them because they are one of the traditional elements of society which, like the kingship itself, is in danger?<sup>11</sup> But normally they seem much more vital and effective than those ties of kinship by which some historians have set such store.

For many reasons rural society could hardly fail to reflect this. From a variety of motives – the conventions of good lordship and piety; bribery;<sup>12</sup> the social necessity of enabling young men to marry and set up in their own households;<sup>13</sup> the military, economic and perhaps governmental advantages in encouraging colonization – kings and (though we have less evidence) other lords were most prodigal in grants of land. Most conspicuously is this so in grants to the church. But the reluctance with which the landbook seems to have been adapted to purely secular gifts does not argue any absence of unwritten grants to laymen.<sup>14</sup> If, for instance, Vortigern gave land to the leaders and possibly to all the Germanic *foederati* he invited, it is likely enough that similar grants by natives or by the Saxons themselves accompanied the settlement elsewhere. Ine's laws, while showing noblemen unendowed with land, make it clear that what was (or at least became) the normal

<sup>9</sup> R. S. Hoyt, 'Farm of the Manor and Community of the Vill in Domesday Book', *Speculum*, xxx (1955), pp. 147–69, gives examples of demesne leasing.

<sup>10</sup> E.g. H. M. Chadwick's powerful remarks in *The Origin of the English Nation* (Cambridge, 1907), ch. 7.

<sup>11</sup> Laws, Introduction cap. 49.7; caps. 1, 4.

<sup>12</sup> E.g. Anglo-Saxon Chronicle, a. 757A–E.

<sup>13</sup> Bede, *Epistola ad Ecgbertum Episcopum*, cap. 11, ed. C. Plummer (Oxford, 1896), i, p. 415; *Historia abbatum*, cap. 1 (*ibid.*, p. 364).

<sup>14</sup> F. M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (Oxford, 1955), pp. 59 ff.

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class of *gesið* had substantial estates, and suggest it was this which distinguished them from the 600 shilling *gesiðas*, in much the same way as size of estate was used to classify the subject Welsh.<sup>15</sup> Perhaps the early grants were limited to life or service, though even then hereditary claims may have been in practice strong.<sup>16</sup> But by the late ninth century, the preface to Alfred's version of St Augustine's *Soliloquies* assumes that the follower will hope to dwell for a time only on 'land loaned from his lord', 'until, through his lord's kindness, he may earn bookland and perpetual possession'.<sup>17</sup> By this date too, the word *gesið* was normally restricted to noblemen or companions with land.<sup>18</sup>

Anglo-Saxon landlords, except those whose corporate or official character precluded it, seem usually to have lived in fairly close relation with the lands from which they drew their livelihood, whether by journeying about them or – which we may think was the common case with lesser *gesiðas* at least – as residents on estates.<sup>19</sup> However, such association of lords with villages leaves undetermined their exact relationship to those villages, so that we cannot escape an old and famous question about the grants by which these lords came to hold their estates. This should most properly be asked of the earliest grants, but their apparent informality forces attention on the latter ones made under book. What exactly do they grant? If they are to be taken at their word – and vague though they are on many things, they are hardly ever vague about this – it is usually the land itself, in perpetual ownership, that is being handed over. Since Maitland's classic discussion,<sup>20</sup> however, this has not been the received interpreta-

<sup>15</sup> Caps. 24, 32, 51, 63–6. A 'functional' criterion appears in cap. 33. Cf. the provisions on changes of rank in Liebermann, *Die Gesetze*, i, pp. 456–61.

<sup>16</sup> H. M. Chadwick, *Studies on Anglo-Saxon Institutions* (Cambridge, 1905), Excursus v, pp. 367–77. Cf. *Cartularium Saxonicum*, ed. W. de G. Birch, 3 vols. (London, 1885–93) [hereafter cited as BCS.], no. 600 (cited by Stenton, *Latin Charters of the Anglo-Saxon Period*, p. 61 n. 1).

<sup>17</sup> *König Alfreds des Grossen Bearbeitung der Soliloquien des Augustinus*, ed. W. Endter (Bibl. der Angelsächsischen Prosa, xi, Hamburg, 1922), p. 2.

<sup>18</sup> H. R. Loyn, 'Gesiths and Thegns in Anglo-Saxon England', *Eng. Hist. Rev.*, lxx (1955), pp. 533–40.

<sup>19</sup> Bede, *Epist. ad Ecbg. Episc.*, cap. 11 (ed. Plummer, i, p. 415); *Hist. Eccles.*, iii. cap. 14 (*ibid.*, p. 156, ll. 2 ff.); *Beowulf*, ll. 837–40, 1125 ff.; Laws of Ine, caps. 63, 68. Note also the practice of burying noblemen in ordinary village cemeteries, as shown by finds of swords, etc.

<sup>20</sup> *Op. cit.*, pp. 230–42.

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tion of their solemn words which have, instead, been taken as normally transferring what Maitland called a 'superiority' over the land, an immunity. But persuasive as his argument is, it is not free from internal weaknesses, and his apologetic language may suggest he had not altogether satisfied himself. For instance, to maintain that charters convey actual land is hardly to say that the land itself is either waste or cultivated only by slaves and *coloni* of the donor.<sup>21</sup> Again, as Maitland admitted, 'the charters of this early period seldom suggest any such confusion between political power and ownership as that which we postulate'.<sup>22</sup> Indeed, the reverse is true somewhat later when, with developed diplomatic, landbooks became more precise in explaining intentions and effects. There will be charters which expressly do no more than alienate certain royal rights;<sup>23</sup> most seem to grant land as well as immunity, but sometimes with the revealing difference that the areas over which the two sorts of rights are granted do not coincide.<sup>24</sup> We may plausibly think that many of these so-called grants are really confirmations, or in effect merely the creation of an immunity for the existing landlord.<sup>25</sup> But in any case the grantee will have landlord rights. That charters could confuse political power and ownership is true enough, but those who used and devised them generally and not unnaturally took pains to avoid this. Further, there are common-sense points to be urged, especially since Maitland's interpretation of the landbooks must apply equally to grants by will. For whatever the nature of any public rights conveyed – be the royal *feorm* as heavy as can be imagined – these rights over, in many cases, not extensive areas could alone hardly have provided that adequate support for the beneficiaries which donors obviously intended. The royal rights over, say, twenty hides will support no noble household, no

<sup>21</sup> It is, of course, a very long time before documents of transfer will distinguish between land in hand (demesne) and tenanted land. I use 'land' to cover both.

<sup>22</sup> *Op. cit.*, p. 234.

<sup>23</sup> E.g. grants of dues on ships. Or BCS., no. 416.

<sup>24</sup> E.g. *Early Yorkshire Charters*, ed. W. Farrer, 3 vols. (Edinburgh, 1914–16), i, no. 8. Cf. BCS., no. 1112, and RC., nos. liv. lxxxiv.

<sup>25</sup> E.g. BCS., nos. 1077–8, and RC., no. xxxiii; J. M. Davidson, 'On Some Anglo-Saxon Charters at Exeter', *Jl. Brit. Archaeol. Assoc.*, xxxix (1883), pp. 285–9; BCS., no. 967, if genuine, is probably a confirmation, see *Anglo-Saxon Wills*, ed. D. Whitlock (Cambridge, 1930) [hereafter cited as W.], pp. 106 f.

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private monastery; that warriors and communities were supported by grants of this magnitude – nobles often by much less – is a fact not lightly to be undermined.

Thus, even without the chronological and other difficulties in that scheme of manorial origins for which Maitland's interpretation of the landbook was an indispensable basis, that interpretation itself could hardly be sustained. The books must be taken at their face value. Whether as original grant or confirmation, they normally speak of actual land, usually at least partly colonized. Over it the grantee has landlord rights, generally fortified by an immunity over a similar or identical area. Maitland's own words on the significance of such an interpretation are worth quoting: 'If we hold by the letter of the charters, if we say that the king really does confer landownership upon the churches, there will be small room left for any landowners in England save the kings, the churches and perhaps a few great nobles'.<sup>26</sup>

\* \* \*

What, then, was the structure of these estates? It is possible that some grantees cultivated all the available land directly with their own slaves. But in Wessex at least, by the late seventh century, most, if not all, lay lords had a proportion settled with tenants. Chapters 63–66 of Ine's laws deal with the *gesiðcund mon* who wishes to leave his holding: if he has twenty hides, he is to show twelve hides of *gesett land*, if ten then six, and if three then one and a half. Easy as they are to place broadly in the context of an expanding kingdom, these laws are difficult to interpret and they have not received the emphasis they demand. What is *gesett land*? Many historians, including Liebermann, Sir Frank Stenton and Professor Whitelock, have taken it to mean 'sown land'.<sup>27</sup> Maitland favoured 'cultivated land', but he went on to elaborate this, with reference to the *seten* of Ine cap. 68, in a way which suggests that he intended land which had been let out to husbandmen.<sup>28</sup> Despite the weight of authority in support of 'sown land', the

<sup>26</sup> *Op. cit.*, p. 232.

<sup>27</sup> Liebermann, *Die Gesetze*, i, p. 119, ii (2), p. 297c; Stenton, *Anglo-Saxon England*, p. 309; *English Historical Documents, c. 500–1042*, ed. D. Whitelock (London, 1955), p. 371.

<sup>28</sup> *Op. cit.*, p. 238 n. 1; cf. *The Laws of the Earliest English Kings*, ed. F. L. Attenborough (Cambridge, 1922), pp. 56–9, 192.

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meaning 'land settled by tenants', which was adopted by Vinogradoff and earlier by Seebohm, seems to me clearly the right one.<sup>29</sup> Mere words may easily deceive, but the vocabulary of later estates drew not infrequently on *gesettan* and allied words, and drew on them in a consistent sense. In East Anglia, some estates will have *landsetti*, men holding *landsettagia*, or tenements *in landsettagio*;<sup>30</sup> on the other side of England, there are *gesettan landmen* in the *Dunsæte*;<sup>31</sup> everywhere, though the spelling will vary, there are *kotsetlan*, *cotsetti* and the like; we have the word 'settlers' still. To come nearer Ine's laws, the survey of Tidenham (Gloucestershire) draws its firm contrast between *gesett land* (or *gafolland*), the land let out to peasants, and *inland*, which, as the Domesday Book entry shows, here certainly meant manorial demesne.<sup>32</sup> This is precisely the contrast implied in Ine's laws though there we are left to deduce the *inland* by subtracting the *gesett land* from the total assessment.

The exact purpose of these laws will tell us more. At a later date, *inland*<sup>33</sup> often also meant land exempt from many, if not all, public burdens. After the Conquest, only the *warland* or *utland* of a tenant-in-chief's demesne manors will pay geld; only, as the Northamptonshire Geld Roll puts it in at least one entry, the land that is *sett 7 gewered*.<sup>34</sup> From this to Ine's laws is a short step if, as I believe we should,<sup>35</sup> we postulate tax exemption for the non-*gesett land* in his reign. The king seems to have a limited object in mind; to prevent a *gesið* taking large numbers of his tenants with him when he leaves an estate, since this would reduce its taxes. But, though strictly applicable only to the moment of a lord's departure, these regulations would, of course, have been useless had they not been closely related to the usual structure of estates. Thus, in effect, Ine came very near to stating a normal minimum

<sup>29</sup> Vinogradoff, *The Growth of the Manor*, p. 128; *English Society in the Eleventh Century* (Oxford, 1908), pp. 193, 195; F. Seebohm, *The English Village Community*, 4th edn (London, 1905), pp. 128, 136 f.

<sup>30</sup> D. C. Douglas, *The Social Structure of Medieval East Anglia* (Oxford, 1927), pp. 34, 48 f., 188 n. 1, 194. The one use of these terms outside East Anglia referred to on p. 48 n. 8 is an obvious misplacement in the Ramsey Cartulary, and belongs to the following survey of Brancaster (Norfolk).

<sup>31</sup> Cap. 6, Liebermann, *Die Gesetze*, i, p. 376.

<sup>32</sup> RC., no. cix. Domesday Book [hereafter cited as DB.], i, 164ai.

<sup>33</sup> The other meanings of this 'overworked term' (Stenton, *Anglo-Saxon England*, p. 477 n. 1) need not concern us.

<sup>34</sup> RC., App. I, no. iii (p. 234). <sup>35</sup> See Stenton, *loc. cit.*



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for the tenant land and a corresponding maximum for the demesne or exempt land. For obvious reasons, however, he had no wish to discourage nobles having *more* tenant or *less* demesne land.

Despite their fiscal context, these laws must be the starting-point for any enquiry into the structure of early estates in England. Their language assumes that dichotomy between demesne and peasant land which is central to manorial history; and it does so at an early date and in circumstances of rapid expansion of settlement which must have been altogether similar to those of one or two centuries before. At the same time, their purpose suggests that, while a *gesið* will not normally have more than 40 or 50 per cent of his land in demesne, he may have less, even (we might conjecture) none at all.<sup>36</sup>

No other early English king or landlord, so far as we know, had occasion to elaborate on these distinctions, and few Old English documents mention them at all. The Tidenham survey, which divides the 30-hide estate there into 9 hides of *inland* and 21 hides of *gesett land*, is not certainly earlier than the mid-eleventh century,<sup>37</sup> while the description of the 16 hides of arable land at Bury as 6 hides in demesne (*into pæra byrig*) and 10 hides held by the peasants (*.x. hida manna earningaland*) does not antedate the Confessor's reign and may be post-Conquest.<sup>38</sup> Perhaps Brihtric and Ælfswith, when they left Harrietsham (Kent) to two brothers, the *inland* to Wulfheah and the *utland* to Ælfheah, were implying that the two parts were approximately equal, but we cannot be sure.<sup>39</sup> The statements in the Old English section of Offa's grant of Bexhill (Sussex) in 772, that there were 8 hides of *in land* and 20 hides of *gauolland pas ut landes*, cannot be contemporary and are, in any case, very difficult to interpret.<sup>40</sup> It may be worth recording

<sup>36</sup> The frequency with which the *inland* is around 40 or 50 per cent of the total assessment of a Hundred in the Northants. Geld Roll makes an interesting comparison with Ine's laws.

<sup>37</sup> RC., no. cix. Although it has often been connected with King Eadwig's grant of Tidenham in 956 (BCS., no. 927) or with the lease of the manor to Archbishop Stigand, datable to 1061–5 (RC., no. cxvii), there is no convincing reason for associating it with either; they do, however, provide limiting dates, since the abbey of Bath did not regain possession after the lease.

<sup>38</sup> RC., no. civ (p. 194); but cf. *byrigland* in *ibid.*, App. I, no. iii (p. 234).

<sup>39</sup> W., no. xi. But cf. J. E. A. Jolliffe's remark, *Eng. Hist. Rev.*, xlv (1931), p. 319; and his *Pre-Feudal England: The Jutes* (Oxford, 1933), ch. 1.

<sup>40</sup> BCS., no. 208, probably otherwise genuine; but cf. Jolliffe, *op. cit.*, p. 75. Cf. RC., no. lxxxii.

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the difficulty of finding an indisputable case in Old English sources of an estate which had no demesne, but this becomes less impressive when it is remembered how little reason contemporaries had for noting these matters in writing.<sup>41</sup> There is a certain cumulative weight in these facts, few and scattered though they are; but no more. They certainly cannot be safely used as evidence that demesnes normally approached the maximum proportions implied in Ine's laws, even in the south of England.<sup>42</sup> Indeed it is hard to see how the history of demesnes can be carried beyond Domesday Book except in isolated cases; and that record is eloquent in forbidding generalization from these. The antiquity of many of the later eleventh-century variations in the importance of manorial demesnes, between different regions, landlords and (less plausibly) races, has often been asserted. It would be optimistic to suppose it can ever be substantiated in detail.

Because of this, and because demesne and peasantry normally developed in sympathy, our understanding of the other constituent of the estate, the tenantry, must remain unsure. Its variable terminology – it appears, for instance, as *gesett land*, *gafolland*, *utland*, *warland*<sup>43</sup> – reveals a dual nature which did much to determine its history and to confuse our understanding of it. The tenants of the lord (the settlers) are also taxpayers (*gafolgeldan*) of the king.<sup>44</sup> Not only therefore are their obligations of a twofold kind, but the lord's interests in letting out his land are correspondingly mixed. From some of his tenants he may require no more than an oath of loyalty in addition to the taxes incumbent on the

<sup>41</sup> I cannot agree with Sir Frank Stenton's interpretation of KCD., no. dcccclxxi, in his *Types of Manorial Structure in the Northern Danelaw* (Oxford, 1910), pp. 37 ff. Even allowing that the oddities of this charter do not put it out of consideration for eleventh-century conditions, the grant of 'terram nostram de Hikelinge et terram de Kinildetune cum firma et seruitio, sicut habetur in dominio nostro' hardly indicates absence of demesne. The transaction is of a common enough type; a donor wishes to continue in occupation and becomes in effect a lessee for life. No direct light is cast on the structure of the estates, except (in my view) to hint that there was land in demesne.

<sup>42</sup> E.g. even allowing for the effects of a hard winter, BCS., nos. 618–19, suggest a proportionately small demesne.

<sup>43</sup> For these terms, see e.g. Laws of Ine, caps. 64–6; RC., no. cix; W., no. xi; BCS., no. 208 (above, p. 9); 'The Burton Abbey Twelfth Century Surveys', ed. C. G. O. Bridgeman, *Collections for a History of Staffordshire* (William Salt Archaeol. Soc. for 1916, London, 1918), *passim*. Cf. *geneatland* in II Edgar, cap. 1.1.

<sup>44</sup> See especially RC., no. cix, where *gesett land* and *gafolland* coincide.