

XXXIV.—*Additional Remarks on the Hide of Land, and on some Ancient Manorial Customs in Oxfordshire.* By BENJAMIN WILLIAMS, Esq.: in a Letter to Rear-Admiral W. H. SMYTH, V.P.

Read March 30, 1854.

MY DEAR ADMIRAL,

The Lodge, Hillingdon, March 16, 1854.

SINCE I submitted to you the paper which the Society of Antiquaries has done me the honour of printing in the thirty-third volume of the *Archæologia*, pp. 269-278, I have met with a valuation of another manor, Shifford, in the same parish, anno 1608, in which the “yeard of land” is said to contain “above thirty-five acres by estimation.”^a

It appears that the hide of land in early times, and each of its four yards in later times—probably from about the middle of the fifteenth century, when hydage fell into disuse—with its house and toft, rights of common, and other appurtenances, was considered to be sufficient for the necessities of a family. The hide, as held of the lord, together with scutage for knights’ fees, was the base of the taxation of the land; and it is manifest that the number of acres of arable and pasture varied according to the quality of the land, even in the same manor. I may remark, *en passant*, that at this period (1608) the value of each yard in Shifford, with its house, orchard, and appurtenances, is entered at 20*l.* per annum, a value which has not been more than doubled in two hundred and fifty years.

It may not be uninteresting to compare the relative holdings in Saxony at the present day. I am informed by Professor Léo of Halle, author of a learned treatise on the “*Rectitudines Singularum Personarum*,” that the Saxonian *hufe* originally corresponded in a considerable degree with our hide, and was the least portion of land that was considered necessary for the subsistence of an independent peasant with his family. “In the present day,” adds the Professor, “the *hufe* consists of thirty *morgen*, somewhat more than thirty English acres, and its possession in fee simple constitutes the owner a *bauer*. He who does not own so much is called a *dresher*, a *häusler*, a *kossäthe*, &c., viz. a man who must labour for others. A *morgen* was originally as much land as could be prepared for seed in a day’s work; but the quantity of the land depended upon the nature of the

^a Tanner MS., Bodleian Library, Oxford.

soil, and also upon the customary manner of working it, whether with oxen or horses. Now the Prussian *morgen* is a fixed quantity, somewhat more than the half of an English acre; but the old Magdeburgian *morgen*, and the Saxonian *acker*, are still used as measures of land; but the measure varies in different provinces."

I am happy to be able to send you a copy of "The Custumal of the Manor of Aston and Cote," dated in 1593, in which the customs related are said to have existed time out of mind; also the marks of each of the sixteen hides of the manor. They are carved upon wood, and were used till last year (when the manor was inclosed) in drawing the annual lots for the mowing ground. Corresponding marks are then cut upon the turf. I the rather refer to this, as an honourable member of our Society, in his recently published "Consuetudines Kantiaë," rejects the division of the land by lot as "fanciful and untenable." But, in addition to this recently-existing custom, there is distinct proof of the annual division of the arable land in the Orkneys by lot. See the Saga of the thirteenth century, quoted by Lieutenant Thomas, R.N. in the thirty-fourth volume of the *Archæologia*, p. 111.

The marks are as follows:—

The one, two, and three on right	.	.	.	.	.	|	||	|||
The two on right, and one at head	.	.	.	.	.	⏏
The three on right, and one at head	.	.	.	.	.	⏏⏏
The priest (evidently from his tonsure)	.	.	.	.	.	⊙
The crane's foot	.	.	.	.	.	⤴
The headless	.	.	.	.	.	⤵
The bow ^a	.	.	.	.	.	∧
The cross	.	.	.	.	.	+
The reel	.	.	.	.	.	⊕
The peel (French <i>pelle</i> , a baker's shovel)	.	.	.	.	.	⦿
The one, two, three, and four-thwart over	.	.	.	.	.	—	=	≡

In the parish of Puxton, Somerset, marks evidently derived from the same original, but much corrupted, are or were used in laying out the commonable lands. They have been engraved in Hone's *Every Day Book*, vol. i. p. 922.

From Professor Lèo's work I gather that our modern hayward is identical with the Anglo-Saxon *hügeveard*.^b The "hayward's hamme" occurs in a charter relating

^a Exactly corresponding with the Anglo-Saxon rune *tir*, the bow.

^b It were easy to enlarge the list of names of lands of Anglo-Saxon derivation in this manor, as the wase, or wash, (*wás*), the crean, the woof, rushey, &c. The names of several of the old families there speak the same origin—Alder, Fryme, Fox, Martin, Sparohake, and Stone.

to Wiltshire of the year 956 (No. 460, Codex Dip. Ævi Sax.). His office was to attend to the hedges and fences. He also officiated as the *agillarius*, or *agistator*; *i. e.* the officer who collected the agistments or moduses—payments for cattle taken into the commons to graze. I would merely add that the Woo, page 270, vol. xxxiii. is a misprint for the Hoo, a gently rising ground.

Believe me, my dear Admiral,

Very faithfully yours,

B. WILLIAMS.

Rear-Admiral Smyth, K.S.F.

&c. &c. &c.

A CUSTOMARY or NOTE of such CUSTOMES as hath bin used time out of mind in ASTON and COAT, in y^e pish of BAMPTON, in y^e County of Oxō; and is att this time vsed and kept, as appeareth by y^e Sixteens, who hath hervnto, with y^e consent of y^e Inhabitants of y^e sayd ASTON and COAT, sett their Hands and Seales the Sixt day of September, in y^e 35th yeare of QUEEN ELIZABETH, año dom' 1593.

1. The Custome is that vpon our Lady Day Eve euery yeare all the Inhabitants of Aston and Coat shall meet att Aston Crosse about three of y^e clock in y^e afternoone, or one of euery House, to vnderstand who shall serue for y^e Sixteens for that yeare comming, and to chuse other officers for y^e same yeare.

2. The sayd Sixteens being knowen, y^e Hundred Tennants of y^e same Sixteens doe divide themselues some distance from y^e Lords Tennants of y^e sayd Sixteens. And y^e Hundred Tennants doe chuse one grasse Steward and one water Hayward, and the Lords Tennants doe chuse two grasse Stewards and one water Hayward.

3. After y^e sayd officers are chosen and knowen, the sayd Inhabitants do referr themselves to such orders and Paines for breaking y^e sayd orders as shall be sett downe by y^e sayd Sixteens, or y^e maior part of them, for that yeare, as well for y^e hayneing^a of y^e comons as for y^e breaking of y^e comons, or for any other orders which they conceaue beneficiall for y^e said Inhabitants of Aston and Coat.

4. The sayd Sixteens hath not any authority to make any orders, or to set any ameracements touching y^e comons, except there be and doe meet att y^e Crosse nine of y^e sayd Sixteens att y^e time, and those nine may pinn y^e rest of y^e Sixteens.

^a Obtaining, taking possession of; Anglo-Saxon, *agnian*; in Layamon's Brut, vol. i. 174, it is written *æyenede*.

The Custome is y^t no teame shall be in y^e Inn Mead affter sunset to fetch away any hay or grasse vpon paine of two shillings euery teame soe offending.

5. The Custome is that if any of y^e Inhabitants of Aston and Coat aforesayd doe fayle to appeare vppon o^r Lady Eue, or some one of every House for him, the partyes making default to forfeit and pay foure pence.

6. If there be any fault found by any of y^e Inhabitants aforesayd contrary to y^e order made by y^e sayd Sixteens, or nine of them, the same Inhabitants, or those that finde y^e fault, may cause the Stewards, or one of y^e sayd Stewards, to warne y^e Sixteens to y^e Crosse, to see some redresse; and if y^e sayd Sixteens, upon y^e same warneing, doe not come att y^e time appoynted, euery one makeing default to forfeit and pay foure pence. And 'tis also lawfull for y^e Stewards and y^e body of y^e Towne to pinn y^e Sixteens to pay foure pence for euery fault tresspassed and approued as aforesayd.

7. The ordinary dayes for y^e Sixteens to meet without warneing are, on y^e Tuesday in Easter week, y^e Wednesday in y^e Rogation week or Crosse week, the Wednesday in y^e Whitson week, and upon Lamas Eue; and euery fayleing to forfeit foure pence.

8. The Custome is that y^e Cheife Lord of Bampton Hundred shall have euery yeare a draught with a lawfull Net in y^e comon water of Aston and Coat, and noe more; and if he draw his Net up, he is not by y^e Custome to put in his Net again for that yeare.

9. Cricklet Ham is yearely to pay for coming ouer Beareheards Bridge six pence; the Gally Acres in Bosingay Mead, twelue pence. And euery person that hath meadow and noe feeding must rid their Hay by Lamas Eue att noone, or otherwayes they cannot after y^e same time carry away their Hay, but is to be eaten by the Cattle of y^e Inhabitants of Aston and Coat aforesayd. And att y^e laying out of Bosingay Mead y^e occupyers of y^e Gally Acres are to bring with them in to y^e Mead to y^e Layers-out, euery one of them, one gallon of Ale and a cast of Bread.

10. The Sixteens are to sett and remoue their stones in y^e Mead of Aston and Coat as often as need shall require.

11. After our Lady Eue that y^e whole Towne haue mett together, and that they haue referrd all matters unto y^e new Sixteens hands for that yeare, they are not to meddle any further for that yeare then this: that if they finde any fault with y^e new Sixteens that they doe not their office, then they are to tell them of such faults as they finde; and if y^e sayd Sixteens doe not mende those faults, then y^e sayd Inhabitants and Stewards may pound them as abouesayd: that is, to pay foure pence for euery fault.

12. The Custome is and hath bin that y^e sayd Sixteens shall and may distraine for any forfeitures made, if any shall refuse to pay upon demand.

This auntient Custome^a haue bin confirm'd in y^e 35 yeare of Queen Elizabeth, 1593, by most of y^e substantiall Inhabitants of Aston and Coat, videl.—

ROGER MEDHOP, Gent.
The mark of RICH. STACY.
The mark of ELIZ. ALDER.
The marke of JOH. HUMPHRIS.
The marke of MARGERY YOUNG.
The marke of JOH. BRICKLAND.
The marke of WILL. YOUNG.
The marke of THO. WALTER.
The marke of WILL. WAYLE.

The marke of JOH. NEWMAN.
The marke of RICH. FFRYME.
The marke of ROB. COXITER.
The marke of WILL. HANKES.
The marke of ANNE STARTVPP.
The marke of WILL. FISHER.
The marke of JOHN PRYOR.
The marke of ROB. CLARK.
The marke of JOHN CLINCH.

^a Custumals somewhat similar were formerly known in Sussex. They are given in the Sussex Archaeological Collections.