

The Disappearance of English Serfdom

AT the close of the thirteenth century the majority of Englishmen were still unfree. Complete statistics for the whole of the country are of course unattainable, but in many surveys of manors a list of all the tenants in the rural village is given, classified accorded to their free or servile status. On twenty such manors in various parts of England, some of them chosen at random from the Hundred Rolls of Edward I, others described in *extents* of dates between 1277 and 1312, some four hundred tenants are indicated as free, seven hundred as villains or otherwise unfree:¹ so that, if these cases are typical, in the year 1300 about two-thirds of the people are serfs, one-third free. By the middle of the sixteenth century, or before, the mass of the English rural population were free men. Bondage was reduced to extremely small proportions, and where it existed was looked upon as quite anomalous. That is to say, during the intervening two centuries and a half the whole institution of legal villainage or serfdom had disappeared.

It is true that not even in 1800, if ever, was actual serfdom, the real position of the *villanus*, *nativus*, or *servus*,² that condition of practical slavery which is described in the law books.³

¹ In the villages of Clopham, Aoley, Radwell, Steventon, Bromham, Great Horwood, Torrington, Steeple Claydon, Stanton, Wodestone, Haddon, Chinmore, Curtlington, and Fretewell, distributed in five different counties, and described in the Hundred Rolls, there are 296 tenants described as free, 516 distinguished from the free tenants as being *nativi*, *servi*, or *cotarii*. *Rot. Hund.* ii. 321, 326, 331, 333, 336, 352, 463, 642, 644, 783, 822, 824. In Borley, Essex; Bernehorne, Sussex; Wilburton, Cambridgeshire; Brightwolton, Berks; and Limensfield and Brodeham, Surrey, there were 101 free, 155 villains. Cunningham, *Eng. Ind. and Commerce*, i. 505; *Customals of Battle Abbey*, pp. 17, 58, 187 ff.; Maitland, *Proceedings of Cambridgeshire Antiquarian Soc.* 1887, p. 162. The same freeholders are, moreover, frequently counted in more than one manor, the villains practically never so; and some of the freeholders are churchmen, while the villains presumably have families, which are not enumerated, but should be counted in to find the relative numbers.

² In actual usage no practical distinction seems to have been made in the application of these terms. The word *servus* hardly occurs after Domesday Book, except in the Hundred Rolls; *nativus* is used in the Manor Court rolls, in pleadings, and in manumissions, that is, wherever it is desired to lay stress on the unfree status of the villain; *villanus* occurs everywhere, while *customarius*, *rusticus*, and other variants are not infrequent. See also Vinogradoff, *Villainage in England*, p. 45.

³ *Dialogus de Scaccario*, ii. 10; Bracton, ff. 4, 5; Fleta, i. 2; Glanville, v. 5; Britton, ed. Nichols, i. 194.

Yet the burdens and disabilities arising from that legal position were very real and oppressive.

Some seruaunts ben bonde & bore in bondage, and suche haue mani paynes by law. For they may not selle nor yeue awaye theyr owne gode & catel, nother make contractes, nother take offyce of dygnytee, nother bere wytnesse wythoute leue of theyr lordes.

And though they ben not in chyldehode, they ben ofte punisshyd wyth paynes of chyldehode.⁴

Villains were by their legal position bound fast to the lands of their lords. We find them forced to take an oath that they will not leave the manor,⁵ or imprisoned to prevent their doing so;⁶ those who obtained permission to live away from the manor were required to make a regular payment for the privilege;⁶ those who had left without permission were brought back by the lord.⁷ Their freedom of action in the ordinary concerns of life was appreciably limited. 'And it is to be noted that none of the villains can give their daughters in marriage, nor cause their sons to be ordained, nor can they cut down timber growing on the lands they hold.'⁸ Nor were these merely formal prohibitions. The manor court rolls show a constant series of entries indicating their enforcement.

'Richard, son of Thomas, fined 40*d.*, because he has not recalled his son from the school before Michaelmas, as was enjoined upon him.'⁹ 'Isabella Warin gives to the lord 4*s.* for permission to give her daughter Mary in marriage.'¹⁰ 'Hugh of the churchyard has married without leave; fined 12*d.*'¹¹ 'Robert Hulle is to be fined because he cut down and sold trees which he had no power to sell: fine 12*d.*'¹²

In 1371 in Wolrichston, Warwickshire, William Potter pays a fine of 13*s.* 4*d.*, that his eldest son may go to school and take orders.¹³

Personal fines, amerciaments, tallages burdened the villain with payments from which the free man usually escaped. Chaucer testifies to this:

Of Coveitise comen thise harde lordshipes thurgh whiche men been distreyned by tailages, custumes, and cariages, more than hir duetes or resoun is. And eek they taken of hir bondemen amerciments, whiche mighten more resonably ben cleped extorcions than amerciments. Of

⁴ Bartholomew Anglicus, *De Proprietatibus Rerum*, Book vi. c. 15, in John of Trevisa's translation; Wynkin de Worde's edition (c. 1495).

⁵ *Durham Halmote Rolls*, i. 123, Surtees Society.

⁶ *Select Pleas of the Crown*, i. 13, Selden Society; *Durham Halmote Rolls*, i. 137.

⁷ *Select Pleas in Manorial Courts*, i. 89, Selden Society; *Durham Halmote Rolls*, i. 138.

⁸ *Extent of Bernehorne, Customals of Battle Abbey*, p. 21, Camden Society.

⁹ *Durham Halmote Rolls*, i. 42; also p. 51.

¹⁰ *Select Pleas in Manorial Courts*, i. 28, Selden Society.

¹¹ *Ibid.* p. 27.

¹² *Ibid.* p. 37. See also Chandler, *Court Rolls of Great Cressingham*, p. 10.

¹³ Rogers, *History of Agriculture and Prices*, ii. 612.

whiche amerciments and raunsoninge of bondemen, somme lordes stywardes seyn, that it is rightful; forasmuche as a cherl hath no temporel thing, that it ne is his lorde's, as they seyn. But certes, thise lordshipes doon wrong, that bireven hir bonde-folk thinges that they never yave hem.' ¹⁴

Burdensome duties, such as serving as a petty official, were imposed upon him, or compounded for by the payment of a substantial fine.¹⁵ Finally, the villain as against his lord and in cases regarding the title to land had no standing in the king's courts, no protection by the common law. The fact of his villainage having been once proved, he is refused a hearing, irrespective of the merits of the case itself.¹⁶ The only court in which he possesses a standing is his lord's own court on the manor.

Payments and services which the villain had to make in return for his land may be construed as incident to his position as a small land-holding tenant rather than to his serfdom, but these frequently remained heavy upon him when, if he had been free to leave the manor, they would have been lightened.¹⁷ Moreover there is probably no instance recorded of the payments and services of a free tenant equal in weight to the following case, which is by no means anomalous.

William Modi is a customary tenant of the aforesaid Sir Baldwin and holds from him a house and 12 acres of land. And he owes for these from Michaelmas (29 September) to St. Peter's Chains (1 August) in each week two works at whatever he shall have been summoned to do, except in Christmas week, Easter week, and Whitsun week, and he shall plow on each Friday half a rood of land unless these holy days prevent. And from the first of August to Michaelmas, in each week during harvest he shall reap two acres of grain, and in each week he shall provide a special service with two men, these having two meals in the day. And after harvest he owes four works in each week. And he owes two carrying services in the year, one to Cambridge, one to St. Ives. And he shall mow in the meadow of the lord, for the whole of one day, as one of his services. And he owes at Christmas four hens and a cock and 40 eggs, and at Easter 40 eggs, and at the feast of St. Peter's Chains he shall give 5 ducks. And about Christmas time he shall thresh in the barn of his lord 16 bushels of barley, and make malt of this at his house, and dry it, and then carry it to the mill to be ground, and from the mill to the kitchen of his lord. And he shall be reeve if his lord wishes. And he cannot marry his daughter without the permission of his lord. And if she commits fornication she shall be

¹⁴ *The Persones Tale*, ll. 751 ff.

¹⁵ Chandler, *Court Rolls of Great Cressingham*, pp. 14, 20-22, 34; *Durham Halmote Rolls*, i. 92.

¹⁶ *Coram Rege Rolls*, Michaelmas term, 3-4 Ed. I, m. 1, quoted in Vinogradoff, *Villainage in England*, p. 46, n.; *Year Books*, 22-23 Ed. I, p. 447, Rolls series.

¹⁷ See cases in Wilburton; Maitland, in the *ENGLISH HISTORICAL REVIEW*, ix. 423 ff., July 1894.

fined at the discretion of the lord. And his sheep shall be in the lord's fold from Hokeday to St. Martin's day. And he has 16 fellow tenants; that is to say . . . who all do in all things and for all things just as the said William Modi.' ¹⁸

Serfdom did not involve the personal degradation nor the economic inferiority that is sometimes ascribed to it; nor, as has been said, did it ever probably have a tangible existence in England in the logical completeness asserted in Glanville, Bracton, Britton, and the 'Mirror.' Nevertheless as it did actually exist, in the year 1300 for instance, it constituted a very real limitation upon the freedom and the well-being of the masses of the English people.

By the middle of the sixteenth century, however, all this is changed. Few traces are to be found of anything which can be considered a restriction on personal freedom. In all the agitations and discussions connected with the enclosures and evictions of the period lying between 1450 and 1550, it is questions of tenure only which come up, not of personal servitude.¹⁹ Moreover, it had long been of only exceptional existence,²⁰ enforced with extreme infrequency, and only for what might be called its incidental effects, as those upon tenure, upon the ability of a bondman to implead his lord, in cases of personal dispute between a bondman and his lord as to payments, or where some special pecuniary necessities of an impecunious lord led him or his steward to hunt up old claims, much as the king was doing in a higher sphere. It is doubtful whether any instance of the normal everyday incidents of earlier serfdom can be found within the sixteenth century or for some time before.²¹ The yeoman, the typical English small farmer of the fifteenth and sixteenth centuries, is distinctively a free man. The bondman is the exception, villainage is only a shadowy survival. In 1523 Fitzherbert said:

Howe be it in some places the bondemen contynue as yet, the whiche me semeth is the greatest inconvenience that now is suffred by the lawe. That is to have any christen man bounden to an other, and to have the rule of his body, landes, and goodes, that his wyfe,

¹⁸ Hatley, Cambridgeshire, *Rotuli Hund.* ii. 539.

¹⁹ Cheyney, *Social Changes in England in the Sixteenth Century*. See also modern discussion and quotations from contemporary documents in Leadam, *Transactions of Royal Hist. Soc.* vi. 167 ff., vii. 127 ff., and in the *ENGLISH HISTORICAL REVIEW*, viii. 294 ff., 684 ff.; and in Ashley, *English Economic History*, ii. 261 ff.

²⁰ In the preliminary survey of the estates of the abbey of Glastonbury made by the royal commissioners in 1536, on 3 manors in Dorsetshire 9 bondmen are mentioned; on 11 in Wiltshire, 83 are given; and on 31 in Somersetshire, 227. None are enumerated in the Gloucester, Berks, and Devon manors. Altogether 1,274 freemen are given as against 271 bondmen, which gives about one-sixth as against the two-thirds proportion of 1800; but it is to be remembered that the western part of England had always been the special home of servitude. Dugdale, *Monasticon*, i. 201.

²¹ See quotations in the important article by I. S. Leadam, 'The Last Days of Bondage in England,' in the *Law Quarterly Review*, ix. 348-65, October 1893.

chylidren, and servantes have laboured for all their life tyme, to be so taken, lyke as it were extorcion or bribery.' ²²

It is true that there had been considerable mention of bondage during the first half of the sixteenth century, but it had been in connection with the clearing away of the débris of a fallen structure.²³ As late as 1574 and 1575, commissioners were appointed to carry out manumissions on the crown lands; ²⁴ and no doubt there were similar chance fragments of the old institution on the estates of private individuals. Even in 1617 the plea of villainage was raised in court.²⁵ But these isolated cases preserve merely the name of a long past condition. The actual state of affairs, if not the technical condition of the law, is better described in the fine words in which Harrison, writing about 1580, expresses the ordinary English opinion as to the legal rights of his fellow countrymen.

As for slaves and bondmen, we have none; nay, such is the privilege of our country by the especial grace of God and bounty of our princes, that if any come hither from other realms, so soon as they set foot on land they become so free of condition as their masters, whereby all note of servile bondage is utterly removed from them.²⁶

Sir Thomas Smith, writing about 1583, says, 'I never knew any in the Realme in my time.' ²⁷

Such being the contrast between the fourteenth century and the sixteenth, what was the process by which the medieval English peasant was emancipated? He had been a serf, now he was a free man; by what steps had this freedom been gained? No definite enfranchising statute was ever passed to free the villain. Serfdom was not distinctly abolished at any one time in England, as it was in France in 1789, or as it has been by the various acts of emancipation during this century in the centre and east of Europe, or as slavery was abolished in America and the West Indies. It becomes necessary, therefore, to seek more partial and gradual steps in emancipation, or influences tending to diminish the extent and significance of villainage.

²² *Surveyenge*, chap. 13, edition of 1589, p. 81.

²³ See the following manumissions: 1485, *Materials for Reign of Henry VII*, i. 166, Rolls series; 1502, Dugdale, *Monasticon*, i. 638; 1522, Brewer, *Calendar*, iii. 2992; 1525, *ibid.* iv. 1610 (21); 1533, Gairdner, *Calendar*, vi. 1383 (2); 1534, *ibid.* vii. 147 (5); 1536, *ibid.* xi. 1417 (14). Also in 1548, Instructions to Sir Richard Sakevyle, on his appointment as Chancellor of the Court of Augmentations, 'to take order for the manumysion of vileyens,' Lemon, *Calendar*, i. 10. Also suits in Court of Requests quoted by Leadam, *Law Quarterly Review*, ix. 848 ff.

²⁴ These commissions are printed respectively in Rymer, orig. ed., xv. 781, and in *Notes and Queries*, 4th series, xi. 298. Other references in *Notes and Queries*, 5th ser. i.

²⁵ *Pigg v. Caley*; Noy, Reports 27, 15 James I.

²⁶ *Description of England*, book ii. c. 5, prefixed to Holinshed's *Chronicle*, reprint of 1807, p. 275.

²⁷ *Commonwealth of England*, published 1609, p. 123.

Of these the most conspicuous is the voluntary manumission of villains by their lords. Numerous such actions are recorded through the whole period of which we have spoken.

Let it be known to all, by these presents, that we John by the grace of God bishop of Exeter, with the consent of the dean and chapter of our cathedral church of Exeter, have manumitted and quitclaimed Maurice Prigge, with all his progeny; so that neither we nor our successors shall be able to have for the future any right or claim of serfdom as against the said Maurice or his progeny, but shall be precluded from all such action for ever. In testimony of which, etc. Given in our manor of Chudley, 80 Aug. A.D. 1855.²⁸

The grant of liberty was sometimes of questionable charity, as in the following case, in the same year as that above quoted.

John by the grace of God bishop of Exeter to his beloved son in Christ Thomas Knollyng, son of William Knollyng, our serf in our episcopal manor of Ashpertone, greeting, etc. Since you have come to be fifty years of age, and have not so far any wife or any children legitimately begotten of your body, and in ability you are incapable of making your own living by your own labour, and since you do not know nor have learned from your youth upward any art except a boatman's, we consider that it would be very little loss to us or to our church of Exeter to restore you to your natural liberty. Wherefore in order that you may be able to labour more freely in seeking through boating your daily food and clothing, we have manumitted you, with your goods and chattels, and whatever you possess, obtained in any way whatsoever, your allegiance and that of any descendants, if you should chance to beget any, being specially reserved to us and our successors and our church. This we have done as far as pertains to us, in consideration of the things aforesaid, and at the suggestion of piety, and have restored you to your natural liberty. Given in our manor of Chudley, 12 June 1855.²⁹

Occasionally on the manor court rolls we find entries indicating the granting of a more or less formal manumission.

To this court came John Bolter and in full court acknowledged himself to be a born bondman of the lord abbot of Battle, and he gives to his lord two marks of silver that he may depart freely from his lord's franchise, without any claim of villainage being made against his body at any time in the future.³⁰

In many cases the manumission was granted for the specific purpose of enabling the former serf to be ordained, a requirement alike of canon law,³¹ of English statute,³² and, as we have seen, of frequent local custom.³³

²⁸ *Episcopal Registers of the Diocese of Exeter* (edited by F. C. Hingeston-Randolph): *Register of Bishop Grandisson*, pt. ii. p. 1166.

²⁹ *Ibid.* 1169.

³⁰ *Select Pleas in Manorial Courts*, i. 175, Selden Society.

³¹ *Decret. Grat.* pars i. distinctio liv.

³² *Constitutions of Clarendon*, § 16.

³³ See p. 21 *ante*.

To all the faithful in Christ to whom the present letters shall come John by the mercy of God bishop of Exeter, greeting eternally in the Lord. May you all know that we have manumitted and made free from all servitude, so far as in us lies, by our present letters, William Lawrence, son of Roger Lawrence, our serf of our manor of Chudeham; so that in the future he may be able to be promoted to the first clerical tonsure by any catholic bishop whatsoever. In testimony of which thing, etc. Given at Farndon, 15 June 1381.³⁴

This was probably a more frequent practice after the 'Black Death' in 1348-9, when difficulty was found in recruiting the ranks of the clergy.³⁵

An interesting charter of manumission from Yorkshire is recorded in Rymer :

The king to all to whom, etc. greeting. Know that on account of the fine which John Simondson, our bondman of our manor of Brustwyk, has made before our faithful John de Molyns, Nicholas de Bokeland, and Hugh de Berwyk, whom we have assigned for our service of receiving such fines for the manumissions of our bondmen of those parts, we have manumitted the aforesaid John Simondson and his whole progeny, and exonerated them from all servile work toward us; willing and conceding for us and our heirs that the same John Simondson and his whole progeny aforesaid shall be free for ever and of free condition, so that neither we nor our heirs aforesaid, from the aforesaid John Simondson or his aforesaid progeny, by reason of his villainage, shall be able to require or claim anything for the future. Witness the king at the Tower of London, 16 May 1388.³⁶

It might be expected from the form of this charter that it represented a general movement for manumissions on royal manors, perhaps as one of the multifarious schemes adopted to raise money for the impending war with France; but the Patent and Close Rolls mention no other such grants at this time, and it is probably therefore only a special case resulting from some peculiar local conditions.

A more nearly general emancipation of villains seemed for a moment probable as a result of the insurrection of 1381. Among the many grievances asserted by the rebels during those stormy June days, the villains as they marched to London from Hertfordshire demanded 'that no one for the future should be a serf.'³⁷ And the king, apparently in good faith, but, as it proved afterward, in bad, acceded to their requests and gave to them general charters of manumission as follows :

Richard, by the grace of God king of England and France and lord of Ireland, to all his bailiffs and faithful ones, to whom these present letters shall come, greeting. Know that of our special grace we

³⁴ *Register of Bishop Grandisson*, pt. ii. p. 617.

³⁵ Gasquet, *The Great Pestilence*, pp. 205 ff.

³⁶ Rymer, *Foedera*, Hague edition, iv. 20.

³⁷ Monk of Evesham, p. 28.

have manumitted all of our lieges and each of our subjects and others of the county of Hertford; and them and each of them have made free from all bondage, and by these presents make them quit. And moreover we pardon our same lieges and subjects for all kinds of felonies, treasons, transgressions, and extortions, however done or perpetrated by them or any of them, and also outlawry, if any shall have been promulgated on this account against them or any of them; and our most complete peace to them and each of them we concede in these matters. In testimony of which thing we have caused these our letters to be made patent. Witness, ourself, at London, on the fifteenth day of June, in the fourth year of our reign.³⁸

It is quite evident that in this document the king was doing two entirely distinct things: one, the pardon for disorder, crime, and outlawry, which lay within his province as being supreme over the administration of justice; another, the emancipation of the villains from the burdens of their servitude, quite outside of his power, as it involved depriving the lords of these villains of their property, that is of the villain services which were owed to them. But the charters had really been given by the king only to gain time and to induce the rebels to return to their homes. On 2 July, therefore, a proclamation was issued declaring the charters to be annulled,³⁹ and in the following November Parliament ratified the king's withdrawal and gave a vigorous refusal to the suggestion that the serfs should be enfranchised and manumitted by statute.⁴⁰ Thus this prospect of a general emancipation, if it can be considered as ever having come within the bounds of probability at all, failed, and nothing ever again occurred even approximating to it in universality.

The importance of individual manumissions as a means of abolishing serfdom must not be overrated. Doubtless there are many manumissions recorded in the Middle Ages that have not been discovered, and there must have been many instances of formal emancipation that never left any record. But even allowing for these, the extent of this method of obtaining freedom from villainage must have been very limited. As it affected individual persons only, it cannot have had a very deep influence on the mass.

Secondly, many serfs ran away from the lands to which they were bound, and either by remaining permanently undiscovered or unclaimed, or by obtaining a right of domicile in some town whose privileges protected the villains from seizure after the expiration of a year, became free men. This latter town custom is put in a general form by the earliest legal text writer:

³⁸ Walsingham, *Historia Anglicana*, i. 467, Rolls series.

³⁹ Rymer, *Foedera*, Hague edition, iii. p. 124.

⁴⁰ *Rotuli Parliamentorum*, iii. 99.

Likewise if any serf shall have remained quietly in a privileged town for a year and a day, so that he shall have been received like a citizen into their common guild, he will be liberated from villainage by that very fact.⁴¹

Nor does this appear merely as a legal statement. On 25 April 1288, two men appeared before the court of Husting of London stating that they were attorneys for the Earl of Cornwall and that they had come to protest against the admission to the franchise of the city of Ralph de North of Hemel Hempstead, his brother John Lawrence, and his three sons Adam, Gilbert, and Jordan, Robert Podifat, Robert of the Ford, and John of the Burn, eight men who were then living in London, but who had run away from the earl's land on the 29th of the preceding August, and who were his bondmen.⁴² The decision of the city authorities in this case is not known, but that such immigrants were not unknown a century later appears from the wording of a regulation passed on 18 June 1388, 'to avoid scandal and disgrace to the city of London.' By this it was ordained that for the future no outsider should be enrolled as an apprentice, or received as a freeman of the city, unless he would first swear that he was a free man and not a serf. Even if a man had been born a serf and had subsequently become free, he was excluded from all judicial offices in the city under penalty of 100*l.* if he kept the fact secret.⁴³ In a case previously mentioned it was only when the villain returned again 'to his nest,' that he lost his acquired status of a free man.⁴⁴ The manor court rolls are full of presentments that villains have fled.

They say that Jordan Mustard the bondman of the lord dwells at Alwalton where he has married a wife from the homage of the Abbot of Peterborough, and has there a half virgate of land of the villainage of the said abbot.⁴⁵

Walter Wiseman has fled with his chattels to Chesterton.⁴⁶

A serf has been received at Latfield without the permission of the lord.⁴⁷

It is enjoined upon Robert Smith who has left the land of the lord that he should come back before the next court, and remain upon the said land, under penalty of losing it.⁴⁸

There are especial reasons after the middle of the fourteenth century for the prevalence of this habit of flight. The same cause that we have already seen forcing the ordination of villains to the priesthood, that is the great pestilences, brought both labourers

⁴¹ Glanville, *De legibus Angliæ*, book v. c. 5.

⁴² Riley, *Memorials of London*, p. 23. ⁴³ *Liber Albus*, i. 451, 452, Rolls series.

⁴⁴ *Year Books*, 22-23 Ed. I, p. 447, Rolls series.

⁴⁵ *Select Pleas in Manorial Courts*, i. 94.

⁴⁶ Maitland, 'History of a Cambridgeshire Manor,' *ENGLISH HISTORICAL REVIEW*, ix. 426, July 1894.

⁴⁷ *Lancaster Court Rolls*, manuscript quoted by Vinogradoff, *op. cit.* p. 15, n.

⁴⁸ *Durham Halmote Rolls*, i. 21.

and tenants into demand. When wages and conditions of tenure were likely to remain the same if a villain remained in the manor on which he was born, while they might be much more favourable if he migrated and thus entered into new relations, the incentive to flight must have been in many cases irresistible. Serfdom, it will be remembered, existed only so long as the villain could be shown to be a born bondman on the manor. A new inhabitant of a manor was therefore necessarily a free man of that manor.⁴⁹ From another point of view an indication may be found of the frequency with which villains left the manors to which they were bound. From a study of the names in the city of Norwich about the close of the thirteenth century, it appears that its citizens had been gathered from more than 450 localities in Norfolk and Suffolk.⁵⁰ It is hard to believe that all of these immigrants were free men when they left their homes. In fact there is little doubt that the army as well as the back streets of the towns was recruited from this same class of runaways. The fugitive villain appears as a regular character in the literature and the local and national records.

Yet these can have been only the restless spirits. All medieval influences tended towards stability, not movement. The material difficulties in the way of migration were considerable; the mental effort required to break loose from the familiar surroundings must often have formed an almost equally insuperable obstacle. On the manor court rolls the notices of departure are after all exceptional; the rolls rather show a striking continuity of population. New names occasionally appear and individual members of villain families may disappear, but usually the villain holding descends to some relative; the family remains fixed on the manor. Pestilence is the only force that removes many of its inhabitants from any one manor at any one time. Flight, like voluntary manumissions, emancipated occasional persons, not a whole class.

Thirdly, but in close connexion with the form of obtaining freedom just discussed, is to be recognised the steady persistent influence in favour of liberty exerted by the royal courts. The question of whether a man was serf or free would frequently come up in the manor court, and there the verdict of his own neighbours seems to have declared his freedom or servile status by a simple and direct decision. But if the question came up in the king's court the matter was a more complicated one. In the first place, the lord must ask for a writ from the court granting him possession of his serf.⁵¹ The man whose villainage was asserted then had a right to a corresponding writ which threw the burden of proving

⁴⁹ See instances quoted in Page, *Die Umwandlung der Frohndienste in Geldrenten*, pp. 38, 89, notes.

⁵⁰ Hudson, 'Notes on Norwich,' *Norfolk Archaeology*, xli. 46, quoted by Mrs. Green, *Town Life in the Fifteenth Century*, i. 171, n. ⁵¹ Bracton, f. 191.

his servile status upon his lord ;⁵³ and the difficulties of pleading which could be thrown in the way of the lord claiming the villain were almost innumerable.⁵³ Moreover by a regularly accepted dictum the serf received the benefit of any doubt.

It is to be the same where he against whom villainage is charged is a person entirely unknown, so that the jurors can have no certainty about his condition whether he is free or a serf ; in this doubt judgment must be given in favour of liberty, as interpretation must lean towards the more merciful side ; just as it is presumed of any man that he is a good man until the contrary is proved.⁵⁴

Again, the courts may declare that the lord has freed his villain, though he really had no intention of doing so.

If it is contained in the deed, even without an express manumission, 'to have and to hold freely, quietly, and peacefully to himself and his heirs,' it is implied by these words and is strongly presumed that the donor wished him to be free to whom the donation has been made.⁵⁵

Likewise in the same way if the lord has once produced him in the court of the lord king as his free man to testify for him or to wager his law or make compurgation for him.⁵⁶

Still more far-reaching principles of law favour freedom. In the fifteenth century every bastard is free ; for not having any known father, he cannot be proved to be descended from villain ancestry on the paternal side.⁵⁷

Thus the difficulties of enforcing serfdom, when it has in any individual case become a question before the courts, must have served to free many a villain, probably to his own surprise ; and the consistent attitude of the courts in favour of freedom must have acted as a continuous force tending towards its extension.

There were therefore at least three concrete definite ways in which the mass of serfdom was decreased. Many villains were manumitted voluntarily by their lords, others emancipated themselves by successful flight, and still others were practically granted their freedom by courts whose predilections were in favour of liberty. And yet all of these causes together can hardly have produced a general change in the existence of serfdom. A revolution in the status of a whole class cannot come about from changes in the position of individual members of that class. Influential as the movements mentioned above, and perhaps other direct causes, may have been in the emancipation of individual villains, the disappearance of the institution of villainage must have been due to some more general, more pervasive, and more universal influences.

A further probability that villainage disappeared as the result of indirect rather than direct causes is to be found in the fact that

⁵³ Glanville.

⁵⁴ Bracton, book iv. c. 23.

⁵⁵ *Ibid.* f. 191 b, also f. 193.

⁵⁶ *Ibid.* f. 24 b.

⁵⁷ *Ibid.* f. 194 b.

⁵⁷ Littleton, sect. 188.

it held at best a somewhat anomalous position in English medieval society. It was but incompletely assimilated in the common law. The tests of serfdom were always obscure. Glanville knows only one way of proving whether a man is of villain condition or not—that is, to assemble his relatives and find whether they are acknowledged to be villains. The payment of heriot is sometimes relied on; but freemen also in many manors pay heriot. Merchet is a more steady test, but even this is not always trustworthy. Again, the question of just what the legal disabilities of a villain are was an undecided one. The principle of the law, as far as there was a worked-out theory, seems to have been that a villain was free in his relations with all men except his lord, whereas towards him he was a slave. But neither of these conditions was actually existent. He had practically no standing in the royal courts, even as against others than his lord; and on the other hand in actual life he was by no means without rights as against his lord. Though by the assertion of the law all his possessions were the property of his lord, yet the lord never claimed them; and even the law was not quite consistent. 'A villain may be in line of inheritance through his ancestor.'⁵⁸ As a matter of fact it was only with difficulty that the lords collected fines, amerciements, and tallages from what was declared by the law to be their own property. During the whole continuance of the existence of villainage the common law tried unsuccessfully to place it within definable and realisable limits.⁵⁹ In the political world there is the same indefiniteness. From participation in the higher work of government the small freeholder and the villain are alike excluded, but in its humbler, more local work they both take part alike. The villains were not separated from the rest of the community by distinction of race, like negro slaves, nor by previous conquest and purchase, as were the slaves of Rome. Even distinctions based on social pride were probably obscure. The classes on the manor shaded into one another imperceptibly and it is hard to believe that a prosperous customary tenant, though a serf in condition, was seriously looked down upon by a freeholder whose acres were fewer and work as hard. Serfdom, therefore, as an element in social organisation was, so to speak, in unstable equilibrium; and many of the changes in society—the growth of the towns, the increase in the amount of currency, political changes, changes of opinion—may have contributed to its progressive decline. But this very instability indicates that it was kept in existence by some powerful influence. If this real force which created and supported serfdom can be discovered, and a change be found to have taken place in this force within the

⁵⁸ *Year Books*, Ed. III, ann. 15, p. 388, Rolls series.

⁵⁹ See this whole question discussed in Pollock and Maitland, *History of English Law*, vol. i. book ii. c. 2, § 8, and in Vinogradoff, *Villainage in England*, essay i. c. 2.

fourteenth and fifteenth centuries, the problem will be solved, the really efficient cause for the disappearance of serfdom will have been found.

From what has been said it is evident that the force which brought villainage into existence and kept it in existence is not to be sought in the political or legal sphere, and therefore must be looked for in the economic. That is to say, serfdom must have been to the material interest of some influential class of society. This interest is to be found in the custom of the lords of manors cultivating their large demesne farms, and the consequent need for a constant supply of labourers. To satisfy this need the mass of the peasantry was bound to the soil. Ordinarily in every village there was one great farm, often of several hundred acres. It is true that these acres were for the most part scattered about in the open fields of the village, intermingled with those which made up the holdings of the free and villain tenants. Nevertheless the whole group, with the use of separate and common pastures, of barns, dairy and other farm accompaniments, was carried on as one agricultural establishment in the interest of the lord of the manor, and under the administration of the bailiff or reeve. Where was the labour for this large farm to be obtained? Medieval farming required even more men than modern. Ploughing, harrowing, planting, cultivating, reaping, carrying, threshing—all with the most primitive implements, and mostly on detached pieces of land, required an abundant and a certain supply of labour. The condition corresponding to this requirement was the restriction of the ordinary inhabitants of the villages to the locality, and the demand upon them for enforced labour services. In other words serfdom existed because the great demesne farms existed.

It has always been so where any system of large farming has been carried on, and where moral sentiment has not placed itself successfully in opposition to slavery. Some form of servitude has always been relied upon to secure a supply of labour. The *latifundia* of ancient Italy were carried on by imported and purchased slaves. The sugar plantations in the West Indies, in earlier times, the tobacco, cotton, and rice fields of the Southern States, were cultivated by the labour of negro slaves. In the more northern colonies, even within the present century, the same demand was supplied by the provision of indentured servants. At the present time the more flourishing sugar islands of the West Indies, Dutch Guiana, the Dutch East Indies, and Hawaii depend upon coolie labour, which is bound service of so many days a week for so many years. In just such a way the medieval lords of manors kept the villains in serfdom. Of course numerous burdens were laid upon villains; a whole group of 'incidents of villainage' sprang up, and become profitable to the

lords, were in later times relatively more prominent. But the great fundamental fact was that they had to stay on the manor and provide labour on the demesne farm. Instances exist in the compotus rolls of the fourteenth century, where on a farm of six hundred acres but two or three persons are hired permanently and a very few others occasionally. A group of a dozen or twenty villain tenants working three days each week on the demesne, doing all the ploughing in the autumn for over-winter crops, and in the spring for the spring crops, most of the mowing of the hay and the reaping of the grain, besides the larger part of the hauling, stacking, and threshing, made it easy to carry on the large demesne farm with but a slight addition of hired labour. And this was really done from generation to generation. Therefore, so long as the medieval farming system remained intact, serfdom would continue to exist, because the propertied classes needed the labour of serfs—of men, that is, who were bound to the soil of their manors.

But two processes of change gradually showed themselves. In the first place labour services were frequently commuted for money payments. Stewards allowed villain tenants to 'buy their works,' that is, to pay the value of a day's work in money instead of in actual corporal labour. The bailiff of Cuxham in 1316 charges himself in his account with '2s. 6d. for works of Richard Est sold in the winter; and with 2s. 6d. for works of Adam Brian sold in the winter; and with 15d. for works of Joanna Bonecherche sold in the winter.'⁶⁰ In 1304 at Wilburton '260 winter works are sold to the homage at the rate of a halfpenny per work.'⁶¹ In Durham in 1358 is an entry 'from Thomas son of Alan for his autumn works, at Michaelmas, 4s. 8d.'⁶² At Watlington, Oxfordshire, in 1279, 'Hugh Carter . . . will give 8s. per annum for his works, which shillings can be changed into other service at their value at the will of the lord.'⁶³ This custom began early and continued late, but was of only very slow and gradual extension. Isolated cases appear in the thirteenth century, yet late in the fifteenth the change is by no means universal. The regular 'week-work' seems to have been most readily commuted, the 'boon works,' or special services at the busiest times of the year, were more apt to be insisted upon in their corporal form by the lords of manors.⁶⁴

Just as far as such a change extended, it must have been to a considerable degree subversive of serfdom. The willingness of the lords to allow this commutation shows that they could procure

⁶⁰ Compotus Roll of Manor of Cuxham: Rogers, *History of Agriculture and Prices*, ii. 618.

⁶¹ Maitland, 'History of a Cambridgeshire Manor,' *ENGLISH HISTORICAL REVIEW*, ix. 419, July 1894.

⁶² *Durham Halmote Rolls*, i. 24.

⁶³ *Rot. Hund.* ii. 815.

⁶⁴ For numerous instances see Page, *Umwandlung der Frohndienste in Geldrenten*, p. 48 ff.

other labourers for hire, and that their interest in the fixity of the villain tenant population was therefore less than it had been. Moreover the villain tenants must have been rising in position. Their labour was worth more to themselves than it was to their lords, or they would not have been able or willing to pay its value in money; there was evidently a class below them in economic position, the mere hired labourers; and finally, in so far as their services to their lords were fulfilled by the payment of money, their position tended to become that of rent-paying tenants, and therefore scarcely distinguishable from that of the freeholders.

But, as has been said, the commutation of services was only a slow and partial process. The deficiency of labour in the second half of the fourteenth century following the pestilence can hardly have failed to retard its progress, although actual testimony to that point is scarcely available. So long as the system of cultivating the large manor farms in the direct possession of the lords continued, there would be a reason for the retention of a body of available labourers bound to the soil, that is, for the continuance of serfdom. This instinctive recognition of its fundamental importance gave vigour to the refusal of the lords to consent to a general emancipation as proposed by the king in 1381.

But the second change, already referred to, was an invasion of the custom of demesne or bailiff farming. Lords of manors began to lease their demesne farms for a money rent instead of cultivating them for the use or sale of their products. Thus:

The prior and convent of the church of Durham have leased at a rent to Andrew Boveney of Arast their manor of Wardley for the space of seven years, with all the woods, etc., pertaining to it, with the exception of all its established and regular rents, its mills, the profits of the manor courts, the fisheries in the Tyne river, and the woods of Hynings and Hoterell. And the same Andrew and his heirs and assigns shall take nothing from the villagers of the two Heworths, except only the services and the customary works of the villains as the prior and convent have taken them at the time of the making of the present agreement.⁶⁵

This was in the year 1309, and means that the lands of the village of Wardley, which had been in the direct possession and cultivation of the convent (which was lord of the manor), were now leased for seven years, and as a matter of fact were afterwards continuously re-leased to a private tenant for a money rent.

Another example may be taken about a century later, and from a different part of England: About 1426 the demesne land of the manor of Wilburton, Cambridgeshire, containing 246 acres of arable land and 42 acres of meadow, was rented to one of the villain tenants of the manor for a lump sum of 8*l.* a year. It

⁶⁵ *Durham Halmote Rolls*, i. 12.

was then and always subsequently leased 'with the works and customs of all the customary tenants who performed work.'⁶⁶

The result of such a lease was that the lord of the manor ceased to be directly interested in the village lands in an agricultural sense. He now received rent where before he raised crops. He was now merely a landlord where before he was an employing farmer. The dates of this change are hard to ascertain. It was a purely internal change in the management of their possessions by property owners, and although abundantly recorded in the accounts of the stewards, bailiffs, or reeves, many of which are extant, made no impression on the chronicles of public events. A somewhat careful search through the printed sources gives the following instances and dates of the beginning of the custom of leasing the demesne farms on various manors. Ibstone and Gamlingay, belonging to Merton College, Oxford, in 1300; Wardley, just referred to, belonging to the Convent of Durham, in 1309; Basingstoke and Walford, belonging to Merton, in 1310 and 1322 respectively; Billingham, East Raynton, and Bellasis, belonging to Durham, in 1364, 1370, and 1373, respectively; Standon, in Hertfordshire, in 1376, and Bayford and Esyndon, in the same county, in 1385; Navestock, belonging to St. Paul's, in 1421; and Wilburton, belonging to Ely, mentioned above, in 1426.

A recent investigator⁶⁷ has noted a large number of instances which, grouped by decades, number as follows: Between 1350 and 1360, one manor; between 1360 and 1370, four; 1370-1380, thirteen; 1380-1390, twelve; 1390-1400, twenty; 1400-1410, five; 1410-1420, nineteen; 1420-1440, sixteen; and about the year 1440, some fourteen. In addition to these instances in which the demesne lands as a whole were rented out there were other cases in which parts of the demesne were successively leased to money-paying tenants. These figures seem to be spread pretty evenly through the fourteenth and early fifteenth centuries; but Thorold Rogers, who examined more manuscript manorial records than any other student, connected the change closely with the results of the 'Black Death' of 1348 and 1349, ascribing it to the difficulty of carrying on the large farms when wages had become so much higher.⁶⁸ Whatever may have been the cause, and whatever the exact dates, the silent revolution was in progress during the fourteenth and fifteenth centuries. By 1534, on the monastic lands at least, the change was universal, for in the *Valor Ecclesiasticus*, or statement of the income from the church lands, the value of the manor farm is invariably given as an annual

⁶⁶ Maitland, 'History of a Cambridgeshire Manor,' *ENGLISH HISTORICAL REVIEW*, ix. 492, July 1894.

⁶⁷ Page, *Die Umwandlung der Frohndienste in Geldrenten*.

⁶⁸ *History of Agriculture and Prices*, i. 22, 24, 81, 271.

rental. During the period referred to, then, the lords of manors ceased to be large farmers and became more nearly landlords of the modern type.

The effect of such a withdrawal from the land must have been far-reaching on the interest of the lords in serfdom. The need which had brought ascription to the soil into existence, and furnished the main motive for its continuance through so many centuries, was now removed. When the lords of manors no longer cultivated their own land they were no longer concerned in preserving a supply of labourers on the manor. That fundamental relation between the lord and the villain, that the former could force the latter to stay on his land and work for him, was now a relation without special interest or value. In such circumstances the enforcement of this relation was hardly to be expected; certainly not with the old regularity. It is true that the leases by which the demesne lands were rented out seem to have included the right on the part of the new farmer to receive such required labour services as were not already regularly commuted by the villains. The lease of Wardley, already quoted, gave to the lessee the right to the labour services of the villains of the two adjacent villages, as they were in the habit of being performed at the time of the lease; and other cases are similar.⁶⁹ But the probability of the new farmers of the demesne lands being able to enforce these claims seems very slight. They could of course appeal to the lord of the manor and he might enforce the labour service in his own court, or if the villains took flight have them returned by the decree of a higher court. But the new demesne farmer could do nothing of himself against the villain tenants, and the interest of the lord of the manor must have been languid at best. The new farmers also in some cases sublet parts of the demesne, so that the whole practice of large farming was to that extent suspended.⁷⁰ The manor farms were now being carried on by a class of men who had no political supremacy and no social influence. Such an institution as villainage would certainly not be kept up for their advantage.

Again, it is true that there were other accompaniments of serfdom which were valuable to the lords, besides a stationary labour supply. But some of these were decreasing in value. The multiplicity of fines became much diminished through the fourteenth century by the commutation of labour services, and the relatively decreased activity of the manor courts. Such payments as *merchet*, *leyr*, and *heriot* were undoubtedly collected carefully by the stewards from the villain tenants. But these alone were hardly sufficient to make it worth while to insist on their observance. As long as serfdom was the general condition of the bulk of the villagers, and

⁶⁹ *Durham Halmote Rolls*, i. 121; Maitland, *l.c.*

⁷⁰ *Durham Halmote Rolls*, i. 100.

the whole administration of the lords gathered around it, all parts of the system which could be made profitable were of course enforced. But when the cultivation of the demesne lands by the lords came to an end, the real *raison d'être* of serfdom disappeared, and its subordinate incidents would be gradually neglected or forgotten. The one of these which survived longest was a certain amount of insecurity of tenure, which rose to importance in the period of enclosures in the fifteenth and sixteenth centuries, and which is the real element involved in the series of manumissions already referred to as having occurred at that late period.

The lords of manors did not lose their legal right to the villain services and payments, but they ceased to value them. In the thirteenth century or the fourteenth, if a villain tenant dies without surviving relatives or runs away, abandoning his land, or the land comes in any other way into the hands of the lord, it is regranted to some other villain, sometimes forced upon him, 'at the old and customary services.'⁷¹ It is these services that the lord wants and expects to obtain. In the fifteenth century when such land is regranted it is usually at a small money rent.⁷² The lord no longer either expects or desires labour services sufficiently to insist on their enforcement. The legal condition of which these were the proof and embodiment becomes obscure, unimportant, practically non-existent. Not only did villains individually become free men by the various processes already described, but villainage, as a condition of real servitude at least, gradually became an anachronism. The lords occasionally record the servile status of certain of their tenants; local juries when asked will report that such and such persons are bondmen by blood; the formulæ which include words expressive of serfdom still remain in use; but all these things have little meaning. The progress of opinion taught men to look askance at human bondage, and many manumissions were still granted in the sixteenth century, but these meant only the relief of the bondmen from an opprobrious appellation, or at most making more secure the tenure of their land. English serfdom after the fifteenth century, perhaps after the fourteenth, did not need to be abolished. It faded away along with the system of which it was an integral part. Without any act of legislation or other general action, serfdom became a mere memory, so much so that even the men of the seventeenth century knew vastly less of its real character than do we, in the light of the revived historical studies of the close of the nineteenth.

EDWARD P. CHEYNEY.

⁷¹ *Durham Halmote Rolls*, i. passim; Maitland, *l.c.*

⁷² Maitland, *l.c.*; Chandler, *Five Court Rolls of Great Cressingham*, pp. 44 ff., 71