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THE BULLETIN OF THE MANORIAL SOCIETY OF GREAT BRITAIN

The Manorial Society of Great Britain

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From left to right: Lord Sudeley, Robert Smith, Gordon Teall of Teallach. Venue: House of Lords Reception, May 1985

EDITORIAL

DOMESDAY
1086-1986

I REPORTED in the previous edition of the Bulletin the initial plans that were in hand for next year's celebration of the 900th Anniversary of Domesday Book. The Domesday National Committee was inspired by the Society and in the intervening 15 months, countrywide celebrations have been set in train.

First of these is a special effects exhibition at the Public Record Office, Chancery Lane, London WC2, from 3 April to 30 September, 1986. The exhibition, costing many hundreds of thousands of pounds, will be opened by the Lord Chancellor and will focus on nine rooms. It will begin with a series of pedigree rolls, including the famous roll belonging to Lord Sudeley. The first room will be a recreation of Anglo-Saxon life and culture with life-size models of a ploughteam at work. The next room will feature talking heads, a special effects section in which life-size models of William the Conqueror and his barons will apper to come to life in the Norman court of 1086. Domesday Book itself will be displayed in the magnificent case illustrated on the adjoining page, together with the Exeter Survey and Little Domesday (East Anglia). The Exchequer in the 16th century, where Domesday was in daily use, will form the next room with a life-size recreation of the clerks in Tudor dress. The next room will deal with the Ancient Demesne of the Crown and a parchment maker will be here every day. In a recreation of a Victorian drawing-room, there will be an attempt to relive the "modern" attitudes of historians to Domesday. Lincoln, an important city in Norman England, forms the next room and the exhibition will end with effigies of Robert of Normandy, William's son, and some of the great magnates of the time.

It is hard to do more than scratch the surface of such a project into which so much effort and resources are being poured. *The Daily Telegraph* and Prudential Assurance are guaranteeing the exhibition to the amount of £50,000 each. Her Majesty The Queen will visit the exhibition in May and then proceed to the Royal Courts of Justice to be met by the Lord Chief Justice, Lord Lane, and the National Committee. The Queen will be presented with a loyal address and a facsimile of Domesday Book which has been commissioned from Alecto Historical Editions of London.

In conjunction with Westminster City Council, which is celebrating the 400th anniversary of its charter of incorporation at the same time, the National Committee is taking part in the largest display of lasers ever put together in the world. Holograms UK Ltd will stage the Laser Show over Hyde Park in April, 1986. Pyramids of 300ft in height, together with barrage balloons, will be raised in and over the park for lasers to beam out logos and gigantic reconstructions of Domesday and Westminster life. Indeed, if it rains, the laser show will be even more spectacular as the lights play on the rain drops.

The National Committee in conjunction with Millbank Publishers Ltd will be publishing 500,000 Offical Guides to Domesday Year from February, 1986, supported by advertising, 100,000 of which are pre-sold to an American distributor. The cover price will be £3.00 and contents include an introduction by Professor Henry Loyn; a profile of King Harold and William the Conqueror by Professor R Allen Brown; the Invasion by Ian Pierce, commissioned for the National Committee by the English Tourist Board; a picture of Norman England by Anne Williams; the Domesday Book itself by John Moore; Halley's Comet, which is featured in the Bayeux Tapestry and whose return is also 1986, by the world famous astronomer, Patrick Moore; the Bayeux Tapestry itself by John Post; a Domesday Family by Lord Sudeley; a series of Domesday Trails worked out with the English Tourist Board; the BBC Domesday Project by Michael Tibbetts; the Domesday Stamp Issue (English Medieval Life) by Mavis Riley; the rebinding of Domesday Book and the making of the Facsimile by Nicholas Cox and Robert Erskine. Finally, the largest section will be dovoted to Domesday Year Events.

The Guide, which will measure 31 cm × 22 cm, will be published in full colour and illustrations have come from as far as the Centre Guillaume le Conquérant, in Normandy, and the Library of Congress, in Washington. We are also grateful to the Bodleian Library, the British Museum, Staffordshire Record Office, the Rochester Dean and Chapter, the Kent Record Office, the Hampshire Record Office.

Talks are taking place with national airlines to arrange for the Guide to be available with in-flight magazines on aeroplanes. W H Smith will sell them nationally, and we shall be selling

them on the streets of London, outside main tourist attractions, through chaps and chappesses dressed as Normans and Anglo-Saxons. There will also be a Domesday van (*circa* 1930), painted in the Domesday colours, equipped with a radiophone and this will hurtle around London bringing fresh supplies as these are called for.

Events around the country include a large exhibition at Winchester sponsored by The Sunday Times; an exhibition in Norwich where the Lord Mayor's procession will focus on an Anglo-Norman theme to end with a candle-light service at the cathedral; an exhibition at Gloucester, Chester, Guildford, Stafford, Nottingham Castle, and Exeter.

Domeday Week will take place from July 13 to 19, 1986, and, in London, will include jousting in Regents Park, which is sponsored by Viscount Massereene and Ferrard (a member of the Society) and a Domesday Ball at Hampton Court, the authorities permitting us to erect marquees on the lawns. Mr James Hadfield-Hyde (a member of the Society and north-west chairman of the National Committee) is arranging a link with the Manchester Chamber of Commerce to stage a Domesday Ball in June, 1986. Thanks also go to General Rand for help in Norfolk and to Michael Stephen, head of the Essex committee, which is helping to arrange a Domesday weekend at Castle Hedingham courtesy of the Hon Thomas Lindsay.

We are grateful to Dr Gordon Teall of Teallach (Lord of Croyland, Lincs) for a gift of £500 which has been applied to our post-graduate bursary award, and I have given £1,000 to this project. Colonel Bert Grove of Palm Beach, Florida (Lord of Morden, Devon) has given $130. I would also like to thank my friends in Manorial Research (Jack Smith, Nirj Deva, Desmond de Silva, Tricia Wilson, Beryl Inglis, Karen Jackson, Michael Petry, and Annie Donovan) who, with me, work at least half our time now on Domesday. Manorial Research has committed a further £2,000 to a joint publicity leaflet with the English Tourist Board which appears in October, 1985.

The National Committee is also responsible for souvenirs, their supply and for the running of the souvenir shop at the Public Record Office during the exhibition in London. We have received sponsorship from Wedgwood, which is producing a calendar plate and Jasper ware to commemorate the occasion. Souvenirs range from Domesday T-shirts, through umbrellas, games, model knights, Norman chess sets, Domesday English wine, candles, to limited edition medallions — 90 gold, 900 silver, and 9,000 bronze — and a First Day Cover for the special stamps. All of our souvenirs have been specially commissioned.

I am very grateful to Sir Colin Cole for help and advice on approaches to the Palace and a new invitation is in hand for the laser display. Viscount Whitelaw of Penrith is sponsoring a party at the House of Lords next April near the opening of the Domesday Exhibition; this will be in addition to the Annual Reception at the Lords which will be held in June. A series of dinners and drinks and drinks parties is being arranged throughout this autumn for press and sponsors, including a party at Lambeth Palace.

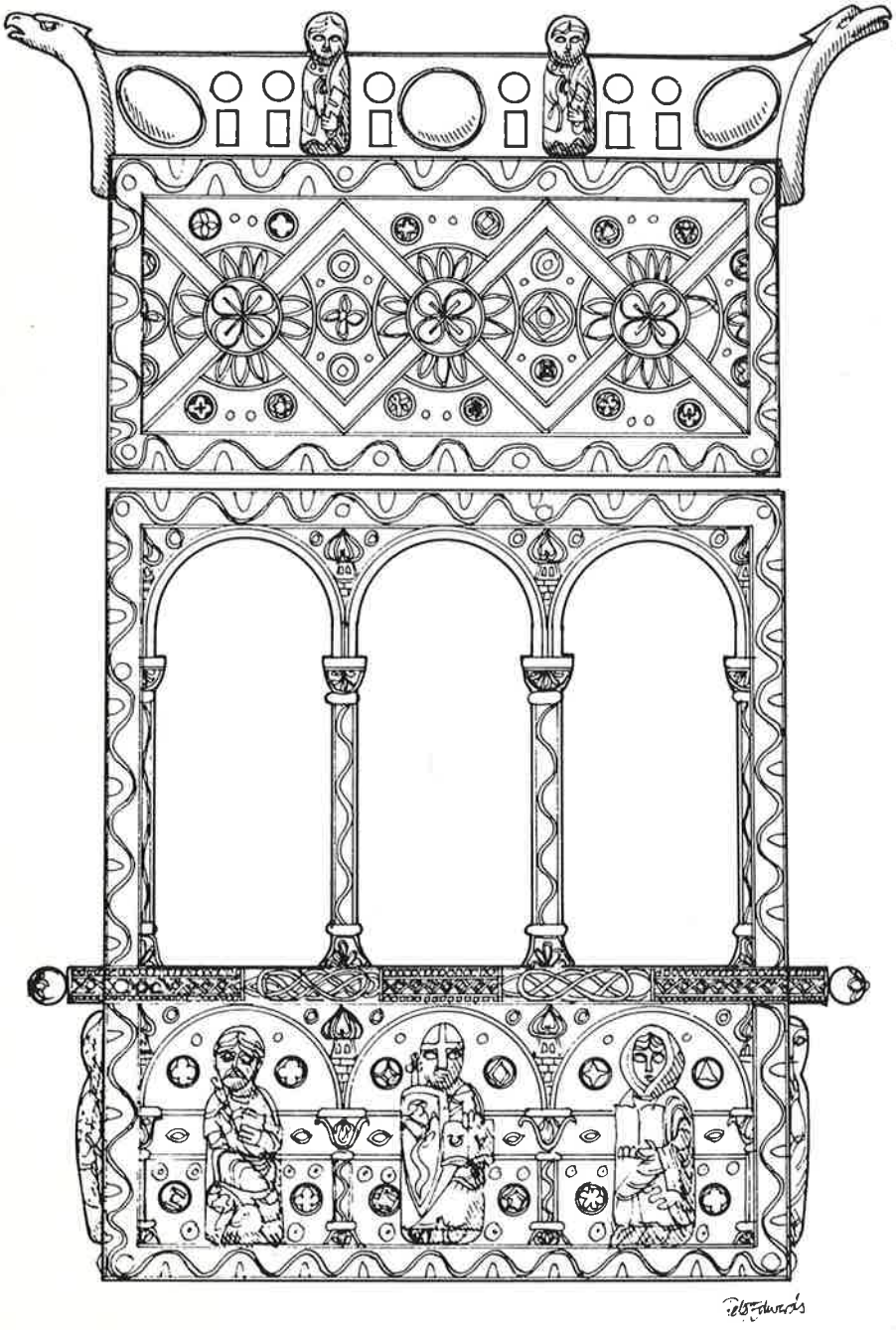
Unstinting support (mutual, I think I may say) has come from the Public Record Office, particularly the Keeper, Dr Geoffrey Martin, the Exhibition Organiser, Dr Jane Cox, Dr David Thomas, and Mrs Susan Lumas. The Lord Mayor of Westminster, Councillor Roger Bramble, and Lady Porter, the leader of the Council, suggested we join Westminster 400 for the Laser Show. At Millbank Publishers, whose magnificent support we have to thank for the Official Guide, are its Chairman, Mr Ronald Hobbs, the Group Sales Manger, Mr Kevin Perkins, and the Managing Editor, Miss Kate Allen. Although mostly concerned with the Domesday Exhibition, Mr Dennis Miller, *The Daily Telegraph*, and Mr Peter Traynor, the Prudential Assurance Company, have liberally advised at sponsors' meetings. Thanks also go to Mme Lilliane Bouillon at Bayeux, Normandy; to Peter Armstrong and Michael Tibbetts at the BBC Domesday Project; to Patrick Roper, Libby Manners, and Harriet Dean at the English Tourist Board; to Elizabeth Boyden at the British Tourist Association. And we shall record all those who helped in the Official Guide and on the souvenir programmes for the Royal Presentation, the Laser Show, the parties, the Hampton Court Ball, and everything else we arrange between now and Domesday Year.

Additional finance is needed and would be gatefully received. Patrons are now being sought and the cost of becoming a Patron is £1,000. Patrons will attend the Presentation to Her Majesty The Queen; will watch the Laser Show from the Hilton Hotel; attend the parties given by the Archbishop of Canterbury and Lord Whitelaw. Their names will appear on the souvenir programmes and in the Offical Guide. Cheques should be made payable to the Domesday National Committee.

Domesday Year 1986 marks a unique occasion in our lifetimes. None of us will be alive for the millenium and the 900th Anniversary will be remembered in 2086 when it is celebrated by our great-great grand children. What we do next year will be a marker for what is done in just

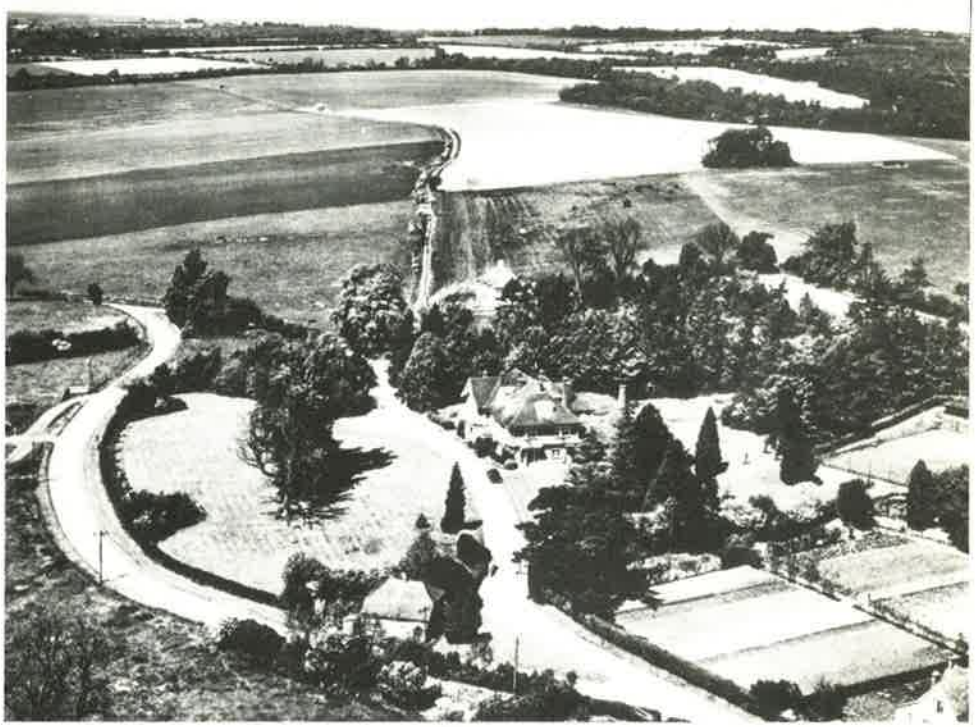
over a century's time, for we can be sure that the Public Record Office will safely keep everything! The Anniversary also marks a one-off opportunity for the Society, for if Domesday Book is about anything it is about manors. It will be the first and perhaps only occasion when our Monarch will honour us lords of the manor when the Domesday Facsimile is presented at the Royal Courts of Justice. It will also mark the foundation of the National Committee's craft workshops which we hope will still be thriving in 2086, lasting tributes to all who helped to build and equip them in 1986.

Robert Smith



Artist's impression of the canopy that will house Domesday Book

DO YOU WANT TO KEEP IT IN THE FAMILY?



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The Enclosures of the Medieval Manor House

by Jean Le Patourel

THE COMPLEX of buildings that we call a manor house was usually, in the Middle Ages, styled a 'capital messuage' and it was always set within an enclosed court, the *curia.* In the early 13th century, the manor house usually served a dual function, being both a residence and a farm. The residence was in occasional use by its lord, who, when not in attendance on the king, moved with his suite from one of his manors to another; the farm was an agglomeration of agricultural buildings together with a room (sometimes called a *camera,* sometimes simply a *domus*) for the use of visiting estate officials. At that time there was rarely a physical barrier between farm buildings and house. The nature of the enclosures of the court varied somewhat according to period, to the part of the country, to the wealth of the owner and to the position of the individual manor within the seigneurial estate. The development that took place in the nature of the enclosures owed much to social and economic change and some small part to political changes in the course of the Middle Ages.

The enclosures served a number of purposes. They were a property boundary and as such defined an area, usually referred to in contemporary documents as the *situs manerii,* the site of the manor, a parcel of land that often persisted as an entity long after the house itself had disappeared. Often an extent will mention the existence of 'the site of the manor without any buildings' and accounts for the manor of Leeds, for example, include a lease of the herbage of the site of the manor for over a century after the disappearance of the house.

The enclosures may defend the site which they define, either against casual infiltration by man or beast or, more purposefully, against intrusion by thieves or attack by armed bands. Finally, and especially in the 15th century, the enclosures, like the house itself, were adapted to the desire for magnificence and ostentatious display that characterised the age.

Looking first at the enclosures as boundaries defining the manorial court and its appendages, the first point that strikes us is the relatively large, indeed enormous, share of the built-up area of the medieval settlement taken by many manor houses. The position is best seen on aerial photographs of villages deserted in the course of the Middle Ages. The boundaries of manorial court and peasant croft often show up as low, grass-covered banks, sometimes concealing slight stone walls, sometimes merely the detritus of clay walls or the sub-structure for thorn hedges. In some regions ditch lines replace the banks but in every settlement that included a manor house (and many villages of divided lordship possessed two such houses), the seigneurial enclosure is very large. The same picture emerges from early estate maps on which manor and village houses are depicted.

The materials used for the enclosures depended partly on time, partly on place. Even in upland areas where stone is the natural building material it was seldom used in the early period. The chalk blocks found below the turf bank at Wharram Percy on the Yorkshire Wolds,[1] for example, were probably preceded by bank and hedge, while excavation at Weoley, Warwickshire, indicated a timber fence, rather more solidly constructed than those shown on 16th-century estate maps such as that for Wokingham, Surrey.[2] Manorial accounts suggest that quick-set hedges, and even hedges constructed of dry branches and similar material were common, while one of the most popular forms, used even on royal manors, was a stout cob wall topped by straw thatch with an additional thatch crest. A good deal of clay was used in the thatching as well as for the walls themselves. Local stone was also used, but, as has been said, not often at an early period, and such walls required a licence if they were of any great strength.

In the early Middle Ages the enclosures were usually constructed by the peasantry. The *Rectitudines singularum personarum,*[3] compiled in the west country at some time in the earlier 11th century, included under the various duties of a *geneat* that he might sometimes have to construct and fence his lord's house. Conformation that the obligation was a reality in many parts of the country comes, among other places, from Darlington in county Durham, from Monk Friston and Hillom in 13th-century Yorkshire, and from Kirton-in-Lindsey, Lincolnshire, where not only was the vill of Lindsey presented for not roofing the hall and barn in 1310–11 "as they were bound to do by custom", but where an Extent of 1299–1300 showed elaborate provision for making and repairing the walls round the manor. Tenants in the Wapentake of Manley which lay to the north of the house were responsible for the north wall, those of Corringham for the west wall, while Aslaco built the south wall and Kirton itself the east side, except that the inhabitants of an unidentified place called Mison had to build and maintain the gate. Arrangements like these, making specific places responsible for each part of the work, were probably very early, for they appear too at Aberfrau in Anglesey, where responsibility for the manorial wall was placed on one of the dependent townships while others had to construct other buildings. The Book of Caernarvon, from which the information comes, is of 14th century date, but it is based on much earlier Welsh material.

In such cases the obligation was a customary one. Elsewhere much of the work fell within the week-works to which bond tenants were liable in most parts of the country. On the late 13th century estates of Roger Bigod, the Earl Marshal, to take one example, the Reeve accounted each year for the works done by the peasantry. The unit of labour was the 'work', which varied on different manors from a half to a whole day. Most works were used for agriculture, but there was always a number used for repair of the manorial buildings, the unskilled labour, and others on making and repairing the enclosures. Occasionally the whole wall was remade, or at least reroofed, in a single year, and it then becomes possible to work out the size of the court, half an acre or so where there were only farm buildings, an acre or more on such standard manors as that at Dichingham, Norfolk, and over three acres on manor houses large enough to figure in the Earl's Itinerary, where his Countess and his suite had also to be accommodated. It is an interesting side-light on the priorities of the end of the 13th century that repairs to farm buildings were accounted for under the heading 'Necessary Buildings', while the hall, chambers and other buildings of the residence were accounted for as 'Unnecessary Buildings'.

Until the 13th century most of the manorial demesnes were leased, and the necessary buildings with them. At some point in that century however, as demesne farming became profitable, and lords were less frequently overseas on Norman estates, the demesnes were taken back in hand and we frequently find that house and farm are grouped together within a single enclosure. From this rather unsatisfactory position we find, in this century and the next, the gradual segregation of farm from seigneurial residence, each with its own enclosures, and the gradual development of compartmentalisation within each of the parts of the manor. A lease of Chingford, Essex, in 1265,[4] sufficiently detailed to itemise each of the buildings and to assign them to the relevant enclosure, shows the process in mid-development. All the residential buildings are in one court, but granary, fowl-house and dairy are still among them, while the remaining two courts are divided, rather unsystemati ally, between the various agricultural buildings. At a rather later date the farm court – the base court as it came to be termed – was generally sub-divided into a barn-yard which included also the granary and frequently the dovecote, and a more general area, while the house court might, according to the accommodation required, have anything up to four separate adjacent enclosures. By the 15th century the farm itself was often moved to a distance, or alternatively the house was moved away from it and rebuilt elsewhere. Many of the smaller manors however remained as two courts alongside one another as they still are today.

Enclosures not only defined the site of the manor and its various appurtenances,

they also defended it. We must, however, divide defended manor houses into two categories, licensed and unlicenced sites. Chief among the unlicensed manors were those surrounded by wide wet moats.[5] The moated enclosures which remain today are of all shapes and sizes, but excavation has established the probability – it can be put no higher than a probability as yet – that the shapes have some broad chronological significance. Round moats are thought to be relatively early, even sometimes of pre-Conquest date, simple rectangular or sub-rectangular moats are likely to begin by at least the late 12th century, while the complex sites with two or more concentric moats, and very wide moats enclosing two or more islands, are likely to belong to the late Middle Ages. A chronology worked out from evidence available in 1972, both documentary and archaeological, indicated a slow beginning of the practice of moating in the 11th and 12th centuries, a peak in the late 13th and early 14th centuries and a slow decline in numbers thereafter. Future research may modify the picture. Goltho however is the only example of a pre-Conquest moat yet known, and though some few were constructed in the 16th century and later, most work of post-medieval date was confined to widening and formalising existing moats. Quite frequently the manorial farm was situated within the main moat, as at Haddlesey, Yorkshire or Chalgrove, Oxfordshire, but they could also be enclosed within an adjacent moat. Most of the adjacent moats however seem to have been used, at least in their later phase, as orchard enclosures, though they usually doubled up as fish-ponds, a useful asset whether for use by the seigneurial family or for leasing.

The moated manor was essentially a lowland phenomenon. There seem to have been some 7000 moats scattered over the country, with the highest incidence in East Anglia and the West Midlands, and the lowest in Cumbria and Cornwall. The majority of them no longer enclose buildings so that it is difficult and often impossible to determine how many surrounded manor houses, how many other analogous buildings such as monastic granges or the houses of prospering freemen. Some are believed to coincide with assarts into previously uncultivated waste or woodland. In Yorkshire, the only county where an attempt has yet been made to divide the sites according to ownership, the majority were of seigneurial origin, but this may not be the case elsewhere. Many belonged to men of the magnate class, some few to the king himself. A long run of annual manorial accounts covering the last 25 years of the 13th century and the first seven of the 14th century[6] however shows the existence of only one moat among a dozen Norfolk manors,[5] of which were used by the Earl Marshal, his Countess and his suite. Perhaps the rather slight protection offered by the moats was not considered worth the expense of digging them, even in a county where they were widespread, if the owner had castles available in case of need.

Outside the areas of clay sub-soils which allowed of easy water retention, a stone wall was the best defence against intruders, but the king and the central government were suspicious of stone walling unless the walls were of inconsiderable proportions. Anything more smacked of the castle and in England the king kept a tight hold on castle building. The fortified manor with a stone wall topped by crenellations required a royal licence and the licence tended, epecially during the later Middle Ages, to follow a fairly well-defined formula – 'licence to so and so to build a wall of stone and lime round his house and to crenellate the same'. Some licences included permission to erect a tower as well as walls; others specified fortification for one part of the manor, usually a chamber as at Flamborough, East Yorkshire. There are a few occasional surprises, notably for such houses as that at Lagham, Surrey, where Roger de St John had licence 'to fortify his house with a moat, palings and with brattices' in 1262 and at Melton, Suffolk, where John de Cokefield was permitted to 'enclose his house with an earth wall and stakes and to crenellate the same'. Both show a curious persistence of ancient methods of fortification into an age when stone walls were the norm.

Many licences were for the fortification of existing houses. At Aydon,

Northumberland, for example, Robert de Reymes (Ramsey) converted an unfortified house by extending its walls to include a small courtyard, crenellating them and providing them with a wall-walk. An outer wall was also added,either at the same time or subsequently. Elsewhere licences were granted for the rebuilding of a house, either on the same site or at a distance like the great Percy manor house at Leconfield, Yorkshire, which seems to have been removed from the village into the open country where it could stand within a park.

It is clear that the aristocracy wished to build strong houses – to build them 'castle-like', as Leland was later to describe them. We can see this from a general petition to parliament in 1371 'que chacun homme par tout Angleterre puisse fair fort ou Forteresse et Murs et Tours kernelle ou bataille a sa propre volunte'. At that particular time they had good reason, for the French king was already assembling the fleet which was to attack the south coast and to burn Rye a couple of years later. The king however returned a non-committal answer. Nevertheless, although the distribution of licensed sites shows a random scatter over the whole kingdom, the peak period for building fortified manors lay in the 14th century and at local level looks like a direct response to external threat. Numbers in Cumbria and Northumberland, 'the Marches of Scotland' went up considerably following Edward I's Scottish wars and, indeed, it is clear that small fortified houses like the Vicars' peles could be constructed without licence in the Marches. Similarly numbers in the coastal counties of the south rose from 1337 onwards when French raiding was a frequent threat and an occasional reality. Royal policy tried to keep some sort of balance between the need for protection against external enemies and the equally strong necessity for keeping private fortification within the country to a minimum.

To the need to define the site of the manor and the natural desire to defend it was added, in the later Middle Ages, a growing interest on the part of the seigneurial class in impressive and stately buildings, a desire for greater comfort, but also to greater magnificence. There were difficulties. For although some men were bringing home fortunes from the war in France and often, like Sir John Fastolf, putting them into buildings as well as land, aristocratic incomes were dropping quite badly from the second half of the 14th century onwards. There were those who ruined themselves by 'overbuilding'. Most magnates simply reduced the number of manor houses in use during the annual itinerary. There was indeed a tendency to reduce the constant travelling of the earlier Middle Ages and to regard one house as 'home' in the modern sense. The process began at the top; the royal chamber manors – those that the king was accustomed to use, fell from 25 to 16 in the century and a half after 1350. The retinues of the magnates tended to be so large that few houses could contain them and we find the Staffords reducing those in use to two only. Even the Archbishop of York reduced those he visited to eight of the 12 that had been used in the 13th century, while a small Yorkshire family, the Methums, who had used three manor houses, reduced the number to one in the later 15th century. Those houses that remained were improved and extended or totally rebuilt and in the rebuilding the enclosures had their part to play in the display of economic and social consequence that the age demanded.

To what extent the quadrangular house, the house with four ranges of buildings round a courtyard, that became so popular in the late 14th century owed its plan to the influence of the earlier fashion for rectangular moats, it is impossible to say. Certainly it was a very common arrangement, particularly in northern and eastern England. Where there was no moat, as at Bolton in Wensleydale, the outer wall of the house, itself crenellated, formed the enclosure, the necessary accommodation fitted to the four wings. Elsewhere the outer wall of the house, crenellated or not, followed inside the line of the moat, often including a tower or turret at each corner and another for the gateway, thus increasing the display of power. That these towers could be as much for effect as for use was demonstrated at Rest Park,[7] where the massive walls of the tower extended on three sides only, the fourth open to the chambers of the remainder of the wing. Houses of this type stand midway between a

fortified manor and a genuine castle and it is often difficult to assign them to one category or the other. The massive and elaborate gatehouses so popular in East Anglia could be clearly for display first and foremost as at Oxborough Hall, or they could be more purposeful as at Hever, Kent.

The quadrangular-plan houses were usually planned, like Oxborough, as a single unit, with moat or perimeter wall as an integral part of the design. More frequently houses grew by accretion and 15th century work consisted of alteration and addition rather than a totally new design. In many cases the alterations included a perimeter wall along the inside edge of the moat. Examples are even known of a wall on both banks of the moat. Eltham, Kent, retains sections of such walls and they are mentioned in a number of manorial Surveys, such for example as that of Leconfield. Both were very large and important houses, Eltham in royal hands and Leconfield a Percy manor.

It was suggested earlier that complex moat patterns were characteristic of the late Middle Ages. At such sites as Caister-by-Norwich, Norfolk, and Tattershall, Lincolnshire, a good deal has survived. At Caister John Fastolf, returning much enriched by a career on the continent both as soldier and administrator, put a good deal of money into rebuilding his ancestral home.[8] Two separate courts stood within a considerable expanse of water in much the same way as was fashionable in Flanders and northern Germany, a type usually known as *Wasserburgen*. The use of water to prevent access to the wall base was a familiar idea to the military architect of the day. Its extension to manor houses seems to have been relatively new. Fastolf himself always referred to Caister as his 'manor place', though later owners considered it a castle. Whichever side of the divide we put it, Tattershall, improved by Ralph, Lord Cromwell, in the 1440s, falls into the castle class, if only because even his workmen spoke of the sumptuous chamber tower he erected as a 'donjon'. The manor may always have been moated, but the remains suggest that a good deal of 15th century work went into the wide moat system. Herstmonceux, built under licence at much the same time, and Bodiam, constructed late in the 14th century, rely more on width of moat rather than complexity to keep intruders at a distance.

The 15th century manor houses of eastern England made considerable use of brick, both for buildings and for enclosures. Brick had been used for military constructions in the Low Countries since at least the 12th century and had become a familiar building material in towns such as King's Lynn and Beverley in the 14th century, but it was not until well into the following century that the aristocracy adopted this relatively new building material in much of eastern England. Bricks came into use not only for houses but also for enclosures, perimeter walls, angle towers or turrets and the revetment of wet moats in regions where scarcity of local stone and the cost of transport from more favoured areas had hitherto prohibited all but relatively slight manorial enclosures. The bricks could generally be fired on the lord's own land and from clay dug on the manor on which it was intended to build. Revetment of moats, in particular, became popular where previously control of the water had been minimal.

The changes that took place on so many manors in the course of the 15th century can be traced at Writtle,[9] Essex, then held by the de Bohuns. The base court that had earlier enclosed the bailiff's house and the farm was transformed to accommodate twenty four lodgings, and the stables. The only remnant of the farm buildings was a hay barn for the horses' provender. The farm was removed elsewhere. Writtle demonstrates another late development on the manor, the formation of a small enclave consisting of the lord's private apartments. At Writtle these were disposed around a cloister, without a separate enclosure, as they were indeed at South Wingfield, a manor largely rebuilt, though in stone country, by Ralph, Lord Hastings. At Herstmonceux however and at Eltham they were within their own walled enclosure, the ultimate development of the compartmentalization whose beginnings can be detected in the accounts of Roger Bigod at the end of the 13th century. By 1500 then, the manor house had developed from an unplanned

agglomeration of buildings within a single enclosure to an ordered arrangement of buildings sited each within the court appropriate to its function. The age of the great house of the Tudor period had been reached.

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Lay Patronage in the Church of England

by Timothy Briden M.A., LL.B.

THE LINK between the squire in his manor house and the parson in his church has for many centuries been close, in legal as well as in intellectual, geographical and social terms. Their relationship, at least as it was during the last century, is aptly portrayed in the novels of Jane Austen and Anthony Trollope. Novelists do not, however, trouble themselves unduly with matters of law. The legal institution which has from the earliest times underpinned this relationship is the advowson. An advowson may be defined as the right of presenting a clergyman to the bishop, whenever the parish church becomes vacant, so that the bishop may institute that clergyman to the living. In other words it is an entitlement to select the priest who is to serve the parish.

The origins of the advowson may be traced almost to the dawn of manorial history. Immediately after the introduction and establishment of Christianity in this country, the bishop himself nominated fit persons to officiate in his diocese. In time, however, it became desirable to recognise the efforts made by lords of manors to make suitable provision for public worship. The lord commonly provided land on which to build a church and parsonage house, perhaps also funds and building materials. Once it was built the parish church depended upon the manor for its income in the form of tithes. The bishop was therefore content, in return for these benefits, to allow the lord of the manor to nominate the parson. There were, however, two important reservations. The bishop retained the right to reject the lord's nominee on the grounds of unfitness. Furthermore, if the lord was dilatory in making his presentation, so that the spiritual needs of the parishioners were not met, the bishop himself selected the incumbent. Eventually the time limit set for the patron's presentation was fixed at six months from the vacancy; after its expiry the right of presentation passed to the bishop by lapse.

Arrangements for patronage to come into the hands of local magnates became so widespread that they were incorporated into the general law of the land. This was an important step forward, since it elevated the advowson from a mere informal agreement into a legal concept. Obviously an advowson is not a tangible thing; it is incapable of physical possession. In Blackstones words,[1] it exists solely in contemplation of law. In order to understand the nature of the institution, we must see how the legal concept was refined and developed.

The mediaeval Common Law treated the advowson not as an ecclesiastical office but as a right of property. The patron was not answerable for his conduct in that capacity; he was considered to own his advowson just like his house and lands. This is demonstrated most clearly by the way in which advowsons were considered to be appendant to manors, that is to say annexed to the collection of manorial rights and privileges vested in the lord. If the manor was sold or inherited, the advowson automatically passed with it. Flexibility was achieved by enabling the advowson to be severed from the manor at the lord's will. This usually occurred when he wished to transfer the patronage by itself to some other party. The advowson was after severance described as being 'in gross'; it took effect as a personal right no longer connected to the manor. Despite their precarious nature, some appendant advowsons have survived to this day. These survivors are soon likely to perish at the ruthless hand of late twentieth century legislation.[2] In future advowsons will only be attached to people, not places.

As a result of treating the advowson as a proprietary right, the Common Law permitted it to be sold, mortgaged, owned jointly and dealt with in any other lawful way. At a time when the intellectual strength of the nation was concentrated in the Church, and clerics had immense prestige as advisors and administrators, the advowson must have been a valuable piece of property, used to repay favours and extend the patron's influence. It is not, therefore, surprising that the patron's rights

came to be protected by a formidable array of actions which he could bring in the King's court.

The oldest of these actions, dating from about the twelfth century was by writ of right of advowson, whereby the patron could recover the advowson from a disturber. Incongruously, one of the appropriate modes of trial was battle. Lest the idea of a fight about an advowson should strain credulity, perhaps I ought to give an example from the Northamptonshire Eyre of 1329–30. Thomas fitz Hugh of Staunton is recorded as having brought a writ of right before the King's justices against the prior of Lenton, alleging that the prior was wrongfully deforcing him of the advowson of the church of Harlestone. The claim was denied by the prior, who by his legal representative made offer of battle, proffering one William fitz John as his champion. The claimant thereupon nominated his champion, who was named William fitz Thomas. Next a little ceremony took place in which the champions (who were evidently well prepared) produced in court gloves each containing five pennies. The parties were directed to have their champions in court on Monday 5 March, ready to perform the battle. Chief Justice Scrope's final direction was that the champions should each be conducted to a parish church 'to offer the five pennies in honour of the five wounds of our Lord, that God might give the victory to him who had right thereto'.

Monday 5 March 1330 duly arrived, but when all was prepared the dispute was compromised, with Thomas fitz Hugh of Staunton acknowledging the prior's right to the advowson. The champions were not, however, left wholly idle. Chief Justice Scrope said 'Even though the parties have come to agreement, we will have the King's right and the blows for the King'. A formal exchange of blows therefore took place before the parties and their champions were dismissed.[3]

Apart from the inconvenience and uncertainty of battle the action suffered from other disadvantages. It was cumbersome and slow, so that the litigants might risk a lapse to the bishop while their dispute remained outstanding. A more speedy remedy was therefore devised in the form of the assize of darrein presentment. This action, as its Norman-French title suggests, awarded the right of presentation to the party who had on the previous occasion presented to the living. By a statute of Edward 1[4] assizes of darrein presentment were to be determined in their own shire, at a day and place certain, whether the defendant consented or not; and judgment was to be given immediately. The emphasis was therefore on speed, and in most cases the question 'Who last presented to the living?' would have admitted of a simple answer. Justice given in haste is, however, sometimes rough justice. The disturber himself might have made the last presentation, so he would win the assize against the true patron, thus compelling the true patron to establish his title subsequently by a writ of right of advowson.

The assize of darrein presentment was of no use to a purchaser, who could not rely upon previous presentation by him to the living. For the purchaser was devised the writ of quare impedit, which in time became the principal means of resolving disputes about patronage. It lay against a disturber of the patron's rights, for recovery of the advowson. Quare impedit could also be brought against a bishop refusing to institute the patron's nominee, or otherwise interfering with his rights of patronage. As in darrein presentment, the procedure was expeditious.

Litigation concerning patronage did not become commonplace despite the care taken to equip the patron with suitable legal remedies. For example, at the Shropshire Eyre of 1256, out of 482 civil cases only two concerned advowsons.[5] Nevertheless until the nineteenth century the forms of action available to patrons became progressively more complex and burdened with technicality. Then came the age of reform. In 1833 the writ of right of advowson and the assize of darrein presentment, together with a host of other ancient writs, were swept away by statute.[6] The special writ of quare impedit survived as the appropriate writ in all cases concerning advowsons, only to be abolished in 1860.[7] These changes were, however, only procedural. The patron's rights were not impaired. Since 1860 it has

been possible to bring actions by writ in the nature of quare impedit, first in the old Court of Common Pleas and now in the High Court, normally the Chancery Division. Such actions are not commonplace, and bring little profit to the lawyers. The last reported case of quare impedit was as long ago as 1931.[8] But this is beside the point; the law continues its jealous protection of the patron's proprietary interests, and to this day the precedent books[9] set out the appropriate forms of pleading as a reminder of that important fact.

The predominance of the Common Law was not, however, attained without ecclesiastical competition. As early as 1164 Henry II had claimed that disputes about lay patronage fell within the province of the secular courts. Cases involving questions of patronage nonetheless continued to be heard in the ecclesiastical courts.[10] The patron's nominee might, for example, complain that the bishop had failed to institute him to the living; since both the nominee and the bishop were spiritual persons an ecclesiastical court could properly claim jurisdiction. The bishop might even embark upon an inquiry as to which of the two lay contenders was the true patron, and Canon Law provided him with a suitable procedure.[11] This was, however, somewhat risky because an aggrieved party might bring the bishop's proceedings to an abrupt end by obtaining a royal writ of Prohibition. In any event, a prospective litigant would hesitate before involving himself in proceedings in a church court, since even if he were successful there, his adversary might thereafter have recourse to the royal court. Often it must have been more prudent to start from the beginning in the royal court so as to save costs. The role of the ecclesiastical courts was thus subordinate; but it must not be underrated. An unrecorded number of patrons left the bishop's court satisfied with the justice dispensed there.

Dominant as the Common Law undoubtedly was in developing the advowson as a piece of property, religious influences always remained present. Of great practical significance was the bishop's power, recognised by the Common Law, to reject an unfit nominee. He could not exercise his veto for capricious reasons; what constituted unfitness was defined with some precision. Thus the nominee could be rejected if he was not of age, or had been excommunicated, or was a heretic, or irreligious, or a bastard, an outlaw, a forger, or guilty of manslaughter or simony.[12] It was even sufficient for the bishop to suspect the nominee to have been guilty of crime without any proof of conviction. The bishop could not, however, be too censorious. In an Elizabethan case it was suggested that 'although a clerk be a haunter of taverns, and a player at unlawful games, yet the bishop might not refuse him, because these faults are not evil in their own nature, but only by prohibition of law'.[13] Less debatable and more commonplace, was the bishop's right of refusal for lack of learning and ability.

The rules relating to the episcopal power of rejecting a patron's candidate on the whole represented a fair balance between the requirements of the diocese and the patron's otherwise unfettered choice. Much more controversial was the application of the law of simony to arrangements made between the patron and his nominee.

Simony is the corrupt presentation of anyone to an ecclesiastical benefice in exchange for money, gift or reward.[14] It derives its name from the sorcerer Simon who is recorded in the Acts of the Apostles as having attempted to buy the gift of the Holy Ghost.[15] Although simony has threatened the integrity of the church from its earliest days, the temptation to commit the offence became most acute when clergymen saw the conferring of some benefit upon the patron as a ready means of procuring their selection and thus obtaining the benefice of their choice. The Church has always set its face against simony, and a cleric accused of simony faced stringent penalties including deprivation of his benefice.[16] As we have seen a bishop could refuse to institute a priest previously convicted of simony, so the offender's prospects of rehabilitation were (at least theoretically) slim. The law was reinforced by Canon 40 of 1603, whereby a clergyman presented to a living was obliged to take an oath that he was not guilty of simony in obtaining the living.

Although the ecclestical courts could exercise a rigorous jurisdiction over the

clergy, they could not touch a lay patron who was a party to a simoniacal transaction. In the eyes of the Common Law simony, as Sir Edward Coke wrote,[17] was indeed odious; but it was not a Common Law offence. Parliament, however, intervened. A statute[18] of Elizabeth I, commonly known as the Simony Act, declared corrupt presentations to be void and provided the means of punishing lay patrons and others guilty of making a presentation for reward. The Act remains in force. The ingenuity of its draftsman was sorely tested in providing for every conceivable transaction tainted with simony. As Section 5 shows, he was equal to the challenge. It reads as follows: 'It is enacted, that if any person or persons bodies politic and corporate, shall or do, for any sum of money reward gift profit or benefit directly or indirectly, or for or by reason of any promise agreement grant bond covenant or other assurance of or for any sum of money reward gift profit or benefit whatsoever directly or indirectly, present or collate any person to any benefice with cure of souls, dignity, prebend, or living ecclesiastical, or give or bestow the same for or in respect of any such corrupt cause or consideration; every such presentation collation gift and bestowing, and every admission institution investitute and induction thereupon, shall be utterly void, frustrate, and of none effect in law . . .'. Even that was not enough, for in Queen Anne's reign a further Act[19] was passed prohibiting clergy from buying ecclesiastical livings and simply presenting themselves when a vacancy arose.

Although these statutes undoubtedly affected the patron's freedom of action, they appeared (at least at first sight) to be directed merely to the act of presenting to a benefice. Arrangements for the resignation of an incumbent were for a long time taken to be outside the scope of statutory prohibition. Yet it was in the question of resignation that the patron often had a vital interest.

The reason for this lies in the rule of primogeniture, reflected as it was in the strict settlements of land commonly made in and after the seventeenth century. The lordship of the manor (with the advowson) would pass to the eldest son on his father's death, and sufficient of the father's wealth would be required to maintain the new lord in a style appropriate to his rank and station. Younger sons or brothers, with their own financial needs, were therefore a potential embarrassment. What better way to cater for an impoverished relative than to arrange for his ordination, and then to present him to the family living?

Unfortunately schemes of this kind were liable to be frustrated if a vacancy did not occur at the appropriate moment. The living could not be kept vacant, otherwise the bishop would obtain the patron's right by lapse. If, however, another clerk were presented by the patron, he would obtain a freehold in the benefice and might thus bar the relative's preferment for an indefinite period.

The solution to this dilemma was reckoned to be the resignation bond. The incoming incumbent would execute a deed making him liable to pay to the patron a substantial sum of money if he did not resign at the patron's written request. A general resignation bond was in this form; a particular bond required the incumbent to resign in favour of a specified person. The sum of money stipulated in the bond was doubtless sufficient to compel speedy compliance with the patron's wishes.

Although resignation bonds were subjected to a good deal of criticism[20] it was not until the latter part of the eighteenth century that their legality was seriously challenged. In 1780 matters were brought to a head by the celebrated case of *The Bishop of London* v. *Ffytche.*[21] The rectory of the parish church of Woodham Walter in Essex then became vacant. The patron, Mr Ffytche, presented the Reverend John Eyre to the living, but on the bishop discovering that the Reverend Eyre had given the patron a general resignation bond, he refused to institute the nominee to the living on the grounds of simony. The patron brought an action of quare impedit against the bishop, and obtained judgment in the Court of Common Pleas which was affirmed by the Court of King's Bench.

The bishop appealed to the House of Lords. By the procedure of the House in those days the bishops were evidently allowed to speak and vote as judges; this was

the last occasion upon which they did so.[22] The part which they played was decisive. The Bishops of Salisbury, Bangor and Gloucester delivered speeches in which they confined themselves to legal argument. Dr Watson, the Bishop of Llandaff, expressed what were probably the real anxieties of his episcopal brethren in these graphic terms:

'But the legality of general bonds of resignation, if their lordships should adjudge them to be legal, would have a direct tendency to diminish the revenues of the established church in a great degree; for no sooner would that legality be generally known, but pettifoggers of the law, money scriveners, land surveyors, and all the simoniacal jobbers of ecclesiastical property, would conspire with needy patrons, and with more needy clerks, to invent and execute a thousand collusive plans to rob the church of a portion of that patrimony, which the pious wisdom of their ancestors had annexed to it . . .'.[23]

All the bishops present, together with Lord Thurlow, voted to allow the appeal and by a bare majority of 19 to 18 established the illegality of general resignation bonds.

Ffytche's case did not concern particular bonds, but it was difficult in logic to distinguish them from general bonds. The final blow came in 1827, when the House of Lords, guided by that great legal luminary, Lord Eldon, voted in *Fletcher v. Lord Sondes*[24] that bonds in favour of specified persons were also unlawful.

It would be wrong to suppose that the prohibition of resignation bonds brought to an end the practice of appointing patrons' close relatives to livings. Thus a person travelling through Suffolk in the 1840s would have found the Marquis of Bristol at Ickworth Park, and his son the Reverend Lord Arthur Harvey at Ickworth Church; Lord Henniker at Thornham Hall, and the Reverend Sir Augustus Henniker as rector of Thornham Church; the Reverend Frederick De Grey at Copdock Church, of which his elder brother Lord Walsingham was patron; and so on across the County.[25] These family arrangements must have been beneficial, both in promoting co-operation between the church and manor and in bringing incumbents of education and distinction to serve remote rural areas.

Despite the Bishop of Llandaff's strictures, it is unlikely that the extermination of resignation bonds did much good. Indeed the younger clergy must have suffered some disadvantage. Whereas a patron secured by a resignation bond could safely appoint a newly-ordained man for a limited period to the family living, the absence of a bond made this course impracticable.

Nowadays patrons are little concerned with the law of simony. The relative poverty of the Church, and the modern system of maintaining the clergy by stipend rather than through tithes, have produced a climate in which simony cannot thrive. Canon 40 has been revoked, and no comparable provision appears in the new Canons. It would nonetheless be rash to assume that simony will always remain an obscure and outdated subject.

Ecclesiastical law was not always a stumbling-block for lay patrons. Sometimes it operated to their advantage, as is to be seen by the history of what is known as impropriation, or sometimes appropriation. In either form it means the diversion of parochial property into hands other than those of the parish priest. Impropriation has a chequered history, in which lay patrons played a vital part. Its history begins in the Middle Ages, when the monasteries which flourished in England after the Conquest set out to acquire advowsons. The mediaeval patron was well protected against disturbers of his rights, but no law could preserve him from appeals to his conscience. Patrons were commonly persuaded to surrender their advowsons as an act of piety. Sometimes there was a financial element in the transaction; it is not recorded how much the prior of Lenton had to pay Thomas fitz Hugh in order to buy off the latter's claim to the advowson of Harlestone church. One way or another the monasteries and cathedrals came to control over one half of the parish churches in England. Whether by gift or purchase, the advantage to a monastery of obtaining an advowson was considerable. This was because a monastery, as an ecclesiastical

corporation, could itself become in law the rector of the parish. As such the monastery became entitled to the tithes. It also took the glebe, the land provided for the incumbent to use to his own profit. In exchange for these benefits, the monastery was bound to provide a priest to work in the parish. Such a priest, if permanently appointed, was commonly known as a vicar. The income derived from the parochial revenue appropriated by the monastery was out of all proportion to the modest stipend or endowment payable to the vicar. The monastery made a handsome profit.

Eventually the monasteries were the victims of their own success. It was Cardinal Wolsey who paved the way for wholesale dissolution of the monasteries by seizing several small religious houses in order to finance his educational schemes in Oxford and Ipswich. After Wolsey's fall, Thomas Cromwell soon followed his former master's example and carried out, on a spectacular scale, what would nowadays be described as nationalisation without compensation. As well as the vast quantities of land, treasure and building materials seized by the Crown came the monasteries' legal rights as rectors of parishes.

It would have been relatively easy for the advisers of Henry VIII to reverse the process of the preceding centuries and reinstate incumbents as rectors, while at the same time granting the advowsons to lay patrons. Such a scheme would, however, have been met by the funadmental objection that the Crown would thereby be giving away valuable rights to tithe and glebe. Accordingly no reform of the system was undertaken, but by the statutes of the dissolution of monasteries[26] churches appropriate were transferred to the King, who in turn sold or gave them to grantees of his choice. If the grantee was a layman he was described as a lay impropriator or, paradoxically, as a lay rector.

In law, the lay rector's position was as follows. He, like his royal or monastic predecessors, was entitled to take the tithes subject to the vicar's endowment. He also owned the glebe land. Likewise he was responsible for presenting to the bishop a fit candidate to be instituted as vicar when a vacancy arose. In some cases monasteries had enjoyed the privilege of sending a temporary curate instead of a permanent vicar to perform the necessary parochial duties; after the dissolution lay rectors were in such instances bound to appoint a permanent officiating minister, who was known as a perpetual curate.

As well a making provision for the vicar by way of endowment from the income of the parish, the impropriator also became liable to pay for chancel repairs. By ancient custom responsibility for the upkeep of a parish church was divided between the parishioners who were bound to maintain the nave, and the rector, whose liability was limited to the chancel. The latter may have been selected as the rector's responsibility because his seat was there, so that he enjoyed the benefit of his own repairs.

The commutation of tithes and the rationalization of clergy incomes has left the distinction between vicars and rectors an empty one, albeit loaded with historical significance. Similar rights of patronage exist in each case. Liability for chancel repairs is not, however, a thing of the past. The familiar difficulty arising from the ecclesiastical courts' questionable jurisdiction over laymen[27] was as usual overcome by statute. The Chancel Repairs Act 1932 enables claims to be made in the (secular) County Court against persons liable to effect repairs, and judgment may be given 'for such sum as appears to the court to represent the cost of putting the chancel in proper repair'.

The obligation to repair the chancel is nowadays usually annexed to what was formerly glebe land. Difficulties arise when the glebe is divided among several owners; each owner is liable for the whole cost of repair, but may claim a contribution from his fellow impropriators. This principle is illustrated by a celebrated case[28] in 1955 in which Chivers & Sons Ltd. (the well-known purveyors of jam and marmalade), the Air Ministry, and Queen's College Cambridge, were all involved in a dispute concerning their respective liability to repair the chancel of

Oakington church in Cambridgeshire. Then the sum at stake was £80 10*s*; today the cost of church upkeep is enormous. Many lay rectors have therefore wisely compounded their liability by making a capital payment to the Diocesan Board of Finance. The continued existence of potential claims of this nature does, however, cause anxiety to persons dealing in land, because liability for chancel repairs does not have to be registered under the Land Charges Act 1972 or the Land Registration Act 1925. A purchaser of former glebe land may thus without prior warning find himself subject to a claim of unlimited amount as a result of the ravages of dry rot or deathwatch beetle.

Proposals have been made for the total abolition of the lay rector's liability to keep the chancel in repair. The main objection is that pending the necessary legislation impropriators would be beset by a multitude of claims made at the eleventh hour. There is no satisfactory solution to this problem, so nothing has yet been done. But even if abolition takes place this last relic of lay impropriation will have left its mark elsewhere than in the law books. Many parish churches display a diversity of appearance, sometimes pleasing, between nave and chancel which is the direct consequence of divided legal reponsibility for their upkeep.

In the course of its long history lay patronage, as a proprietary right, has been championed by the common law, whilst the ecclesiastical authorities for their part have generally sought to curtail the lay patron's power. Parliament, essentially secular in outlook, has tended to reinforce rather than undermine the patron's position.

A great change occurred in 1919 with the creation of the Church Assembly (later re-named the General Synod) a body empowered to legislate by Measures having the force of Acts of Parliament.[29] The Church of England, subject (as recent events have shown)[30] to residual Parliamentary control, became able to legislate for itself. Patronage was not immune from this process.

The new Church Assembly promptly took steps to prohibit the sale of advowsons.[31] Transfers without payment were unaffected; but in 1930 a further Measure[32] required the patron to notify the bishop of any proposed transfer, and if the bishop so required, to confer with the bishop or his representative about it. The bishop was not empowered to prohibit the transfer, but the word 'confer' in the Measure suggests that the patron might be exposed at least to a degree of friendly episcopal persuasion. The next step was taken in the Benefices (Exercise of Rights of Presentation) Measure 1931, which introduced machinery for consultation between the patron and the churchwardens (as representatives of the parish) when a vacancy occurred. Most drastic of all was the body of legislation culminating in the Pastoral Measure 1968,[33] whereby rights of patronage could be suspended for up to five years, or indeed terminated altogether, as part of the process of pastoral reorganization which has brought team vicars and group ministers among us. A patron could be excused for contemplating with bewilderment this complex and sometimes obscure collection of laws.

But more is yet to come. Its appetite for legislating unappeased, the General Synod is at present considering what is known a the Draft Patronage (Benefices) Measure. An earlier draft of this Measure, printed in 1980, was overtly hostile to lay patronage. It contained provisions for the replacement of patronage by a system, called the 'selectors system', whereby a body of persons from the parish and the diocese were to exercise the patron's function. Parochial meetings were to decide whether the patron should be replaced by selectors, and even if the decision were to be in favour of retaining the patron, the matter would have been open to reconsideration every five years or upon each transfer of the advowson.[34] The instigators of the selectors system no doubt expected that in the fullness of time a majority in its favour would be mustered in almost all parishes. Needless to say, except in certain special instances[35] the change in favour of selectors was to be irreversible.

The selectors system has fortunately been abandoned, and does not appear in the

1984 draft; but I have dwelt upon it to show how close lay patronage came to virtual abolition.

The current version of the draft Meaure is something of a curate's egg. Elaborate and rather cumbersome machinery is provided for consultation between parish representatives, the patron, and the bishop before a presentation to the vacancy can be made. Fortunately in the event of the officers of the parish or the bishop failing to perform their duties, the patron is expressly empowered to proceed with the presentation.[36]

Appendant advowsons, as has been mentioned, are to be converted to advowsons in gross; and the patron's right of pre-emption over parochial property put up for sale, together with the need for his consent to a variety of alterations affecting the benefice, are to be abolished. Of paramount importance are the provisions concerning the registration of rights of patronage. By clause 1, there is to be a register in each diocese of the patron of every benefice in it; and failure to register his interest within 15 months of the clause coming into force will result in the patron's loss of his advowson. It is hardly necessary to emphasize the importance of registering promptly, yet the 15 month period will begin on a date which is to be appointed by the Archbishop of Canterbury and York and which is unlikely to receive extensive publicity. Despite the diocesan registrar's duty to give patrons prompt notification of their position under the Measure, there remains a very real danger that some patrons might through inadvertence lose their advowsons by failing to register in time.

What lies in the future? Will the current proposals carry the advowson as we know it into the next century? Or does the Draft Measure herald further attempts at its abolition? At least there are grounds for cautious optimism. Lay patronage is firmly embedded in English ecclesiastical tradition, and its long history discloses a remarkable capacity for adaptation and survival. Perhaps nowadays lay patrons must be regarded as members of an endangered species, but their extinction is neither inevitable nor unavoidable.

Mr Briden is a barrister in the Temple, London, and represented the Society before the Benefices Steering Committee of the General Synod of the Church of England.

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The Extension of Manoralism into North-East Wales

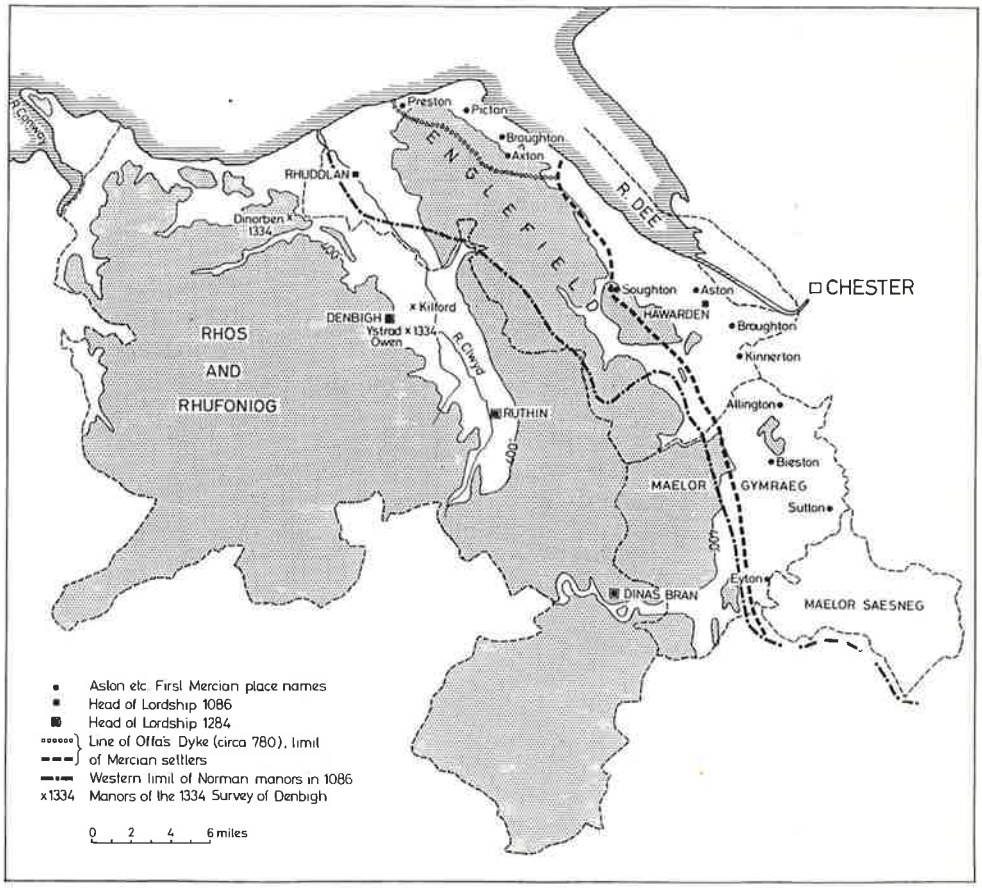
by Dorothy Sylvester

THE LINE where the great mass of the Cambrian Mountains meets the gently rolling, fertile stretches of the English Plain has long been a cultural divide. But from the seventh century, the slow tide of Germanic settlement began to move across this divide and into the Welsh Border counties to the very foot of the hills. A new linguistic group, they came also with different antecedents and a different way of life. Between AD 870 and 924, Irish Norse moved into Wirral, and in the 10th century a thin stream of Danish settlers skirted the southern Pennines to reach parts of eastern Cheshire. Although both groups raided North Wales, their impact was temporary. Not so that of the Anglo-Saxons. In the Lowland Zone, a babel of languages was evolving into local dialects, to which Norman-French was added from the 11th century. Its marriage with Anglo-Saxon and a diminishing number of almost forfotten British words, some Scandinavian elements, and a dash of Latin added to the diversity, and the linguistic divide between English and Welsh speech was to add a further barrier. Few barriers are more powerful. Border forays apart, the Welsh were by 1100 almost completely set apart from their English neighbours except for times of conflict, and it was only after the succession of the Anglesey Tudors to the Throne that Welshmen began to send their sons in any number to Oxford and Cambridge and to the Inns of Court.

North-east Wales is predominantly an upland area. From the Vale of Conwy to the Vale of Clwyd, western Denbighshire is a land of high, barren moorlands with few and narrow valleys. Unkind to settlers, apart from the limited shelf of the coastal plain, for centuries it was a bone of contention between Gwynedd and Powys, as later it was to be between Wales and England. Indeed, Mercians, Normans, and Plantagents in turn met and were baffled by this grim moorland. Not surprisingly, it became known as *Perfeddwlad*, The Middle Country. So thinly was it populated that it was divided into only two *cantrefi*, Rhos and Rhufoniog. Eastward, the lovely and fertile Vale of Clwyd is flanked by the high peaks of the Clwydian Range. The Denbighshire which replaced the Welsh kingdoms curves south across this ridge towards and into the valley of the lowland Dee in Welsh Maelor (*Maelor Gymraeg*), and yet further east wedged between Cheshire and Shropshire is English Maelor (**Maelor Saesneg**).

Within the broad curve of the Denbighshire boundary, Flintshire is made up of the low 800 ft. pleateau, nearly all of it favourable to settlement; the lower Dee's left bank below Holt, Deeside, and the north coastal shelf from Point of Ayr to the mouth of the Clwyd. Within Flintshire, only the northern end of the Clwydians offers serious problems for settlement. Thus it has a favourable terrain and that plus its coal and mineral wealth and its accessibility made it an obvious attraction to ambitious enemies.

The Welsh long remained a tribal people, following a tradtional way of life and governed in the North by the Venedotian Code of laws. Within the native kingdoms, the country was divided into *cantrefi*, each containing, as its name indicates, a hundred *trefydd* or townships. There were free townships and bond townships in the proportion of two free to one bond, a group of these forming a *maenol* or sub-district within a commote (*cwmwd*). Thirty-two free and 16 bond townships, a *maerdref*, or chief township, and another to provide the chief with pasture, woodland, and so forth, made up the commote. At its head was a *pencenedl* (literally head of the tribe) who had his *neuadd* or hall, and his officers, in the *maerdref.* Sometimes he is referred to as a *brenin* or prince, but the term is better reserved for the ruler of a larger self-governing unit.



In a country where the genealogies are preserved and faithfully studied, kinship was (and is) the golden thread which links the free Welsh. The free household was known as a *gwely*, literally a bed, for it was made up of the descendants of a common great grandfather. These free tribesmen were the *uchelwyr* (high or superior men) and their farm was *tir gwelyog*. Only after the fourth generation could a new *gwely* bud off and set up a new unit. Arable land was cultivated in strips (*erwau*), but they were typically scattered, not grouped in a common field. The group lived in simple stone, or turf, or wooden houses, the *tyddynod*, and they too were very loosely arranged or dispersed according to the site. Pasture and woodland were also included in their farm. Some dues and renders had to be made to the lord whose power was absolute and only delegated, if at all, to sworn men. The second group were the *taegion* – bondmen or villeins, men who had originally come into the community kinless: not slaves, but perhaps vagrants, strangers, or prisoners of war; not servile but unprivileged, and with numerous services to perform.

If they set up a family in a few generations they could be accepted as free Welsh tribesmen and absorbed into the group. This was tribalism, not manorialism, but the two had common elements such as the power and authority of the chief, and the dues, renders, and services. But the standing of the free tribesmen had no parallel in the Anglo-Norman manor. The Welsh free tribesman was his own man, and the Welsh bondman was not servile.

Although inter-tribal forays were part of tribal life, the only external foe to have gained a foothold in Wales since the coming of the Celts had been the Romans, but their occupation only affected limited areas beyond their fortresses and the linking roads. The succeeding centuries soon covered many of their works in the smothering dust of Time. Before Rome finally withdrew in 407, Teutonic invaders were already

harassing the eastern coasts of Britain, and the next centuries witnessed not only successive invasions from Europe, but major shifts of people within Britain. Picts raided northern England, and other groups were migrating from Strathclyde into north-west England and North Wales, while yet others were moving from Dumnonia into southern England. It was the age of the legendary Arthur who rallied the British to resist the greater menance of invaders from Europe. Whether Arthur was real or legendary, the hill camps were refortified including Degannwy, Dinorben, and Dinas Bran in North Wales.

But as time passed, there was to appear the other side of the coin as Christianity and its followers extended. They spread into Wales and the Celtic West from diverse parts of the Mediterranean lands, and the Celtic Church became part of Welsh life. Prince Dunawd who was driven from his Scottish home by the Picts is credited with the founding of a monastery at Bangor on Dee whose monks prayed at the battle of Chester *circa* 615 for victory against the Northumbrians. St Kentigern, who came from Glasgow built another monastery in North-east Wales, overlooking the river Elwy. It was to become the core of the cathedral city of St Asaph so named after Kentigern's successor, St Asaph. The cells of the Celtic saint, or *peregrini* gave rise to a host of lesser churches all over Wales, bringing a new kind of peace. But in the north-east it was to be rudely shattered as Mercians and Northumbrians continued to cast ambitious eyes on the Highland Zone.

The slim literary sources for the Dark Ages provide only an outline of the events in the critical seventh century when the Welsh under Cadwaller allied with Mercia against Northumbria. But they defeated them at the battle of Heathfield in Yorkshire where Edwin met his death.

From prehistoric times, North-east Wales and Cheshire have been culturally close. Celtic Christians like prehistoric trade moved from the Welsh hills into the Cheshire Plain from the Dark Ages into the Middle Ages. In turn, Cheshire was a source region for various features of Flintshire life. As the principal evidence of early Anglo-Saxon settlement in eastern Flintshire and Maelor Gymraeg is in place-names, the dating of Cheshire place-names is of particular relevance, for no pagan cemeteries have been discovered in either area. J. McN. Dodgson in 1967 identified 21 places in Cheshire with early English elements, and concluded that the explanation must be the earlier arrival of the English along the north-west coast and in the Welsh Marches than history records. This means late sixth century. In Flintshire the *tun* element predominates in its English place-names and must be assumed to be later than those 21 in Cheshire. But that the colonisation of west and much of central Cheshire and of east Flintshire and Maelor took place soon afterwards is a strong probability, that is in the first part of the seventh century.

During the reign of Offa (757–796), there is firmer ground. As his ambition and drive expanded into a vision of a united country, he achieved the union within a greater Mercia of Folk regions whose boundaries linked the estuaries of the Dee, the Humber, the Thames, and the Severn. Its component parts are recorded in the *Tribal Hidage*, and the most westerly is the eastern flank of Wales. To secure it, he built the largest of all early British dykes, 25 feet high and 60 feet broad at the base, and extending from Basingwerk to the mouth of the Wye. Long believed to be simply a boundary, or even a boundary of compromise, recent archaeological work has proved it to have been a militarily held line, topped by palisades and even possibly by towers, and broken by gates or sally ports. Evidences have been found underground of this dyke where formerly its continuity had been doubted. East of this line, English place-names are numerous, but beyond it there are very few. The line of the Dyke is, therefore, a marker of the extent of anglicisation in the late eighth century, successor to the earlier and less precisely definable boundary of their first settlement.

One can turn to no direct information about the socio-economic character of the early English communities in North-east Wales. Evidence is somewhat more abundant from various parts of England, but the source nearest to Wales is the

11th-century document relating to Tiddenham in Gloucestershire, entitled *Rectitudines Singularum personarum.*

Professor Stenton considered it to have been compiled by a reeve, or estate agent and to have been about a generation earlier than the Domesday Book. In addition to servile groups, it details a rural estate hierarchy descending from the comparatively privileged class of *geneats*, comparable with the Norman radmen, or radknights of Domesday Book, who personally served their lord and paid rent; the *kotsetlas* who paid dues to the lord in money and kind, yet of whom heavy services were required; and the *geburs* 'trembling on the edge of serfdom', many of whom may have been free men who had run into bad luck, Stenton suggests. Compared with the *coliberti* of Mercia, Tiddenham seems to have operated a harsh régime. What emerges is that the Old English estates had many manorial features, including an authoritarian *thegn*, class divisions within the peasantry, and systems of dues, rents, and services.

Completed only 20 years after the Norman Conquest, the Domesday Book records the state of every place under Norman rule in England and Wales in the one year, 1086. Only a survey with wide geographical terms of reference can provide data for a general view of a region. In ordering that it can be done, William operated the stop watch of history to provide a 'still' from a constantly changing picture. Frustrating in its omissions and stilted in presentation, it is nevertheless invaluable and there is nothing comparable in topographical scope for this country until the Tithe Survey of the 1830s and 1840s. For my present purpose, it defines the extent of the third advance of post-Celtic settlers, and provides the standard Domesday Book information about the area in Norman control.

In 1070, Hugh d'Avranches was appointed the first Norman earl of Chester, one of three Welsh Borderland earls to be given the task of promoting the advance into Wales. By 1086, Cheshire had made a very fair recovery after the 'wasting' along William's route across the Pennines and thence across Cheshire towards Shrewsbury. The state of Flintshire at the time of the Survey is also strongly indicative of widespread wasting and depopulation in that county and it was then barely beginning to recover. Almost all the Cheshire manors, former townships, had a Noman lord, yet there were sufficient Norman knights to supply Flintshire with Norman lords. From two to as many as five *trefydd* were typically combined to form one manor, and many of these had no resident lord. As in the case of Cheshire, the Maelor manors were in moderate shape. It was Englefield, across which lie the more important routes into Wales, which had suffered most wasting, whether from sheer neglect, direct devastation by conquering armies, or because the native Welsh had fled, one can only guess.

Formerly held by Edwin, Earl of Mercia, the lords of Rhuddlan and Hawarden were both taken over by Earl Hugh of Chester as lord in chief. The Hawarden manors were single *trefydd* and in reasonable condition. Hugh's nephew, Robert, was to hold the lordship the Rhuddlan which included some almost derelict composite manors. But the borough was his first consideration, and he had already rebuilt the castle on the site of the former Welsh *llys*, and by 1066 there were a church, mill, a mint, and fisheries in the river Clwyd. The Norman area comprised all Englefield including the low 800 foot plateau with valuable iron mines, and extended south across the Maelor, thus putting the entire rich valley of the lowland Dee below Erbistock in Norman hands. But the Clwydian Heights were only thinly populated, nor was the Vale of Clwyd at that time very properous. Beyond, in what is now the moorland heart of western Denbighshire, Domesday Book read: 'In the holding which Robert himself holds of the King Rhos and Rhufoniog are 12 leagues long and 4 leagues wide. Land for 20 ploughs only. It is assessed £12. All the other land is in woods and moors and cannot be ploughed'. In the Vale of Clwyd, the limit of Norman control seems not to have extended to Cilowen. These limits of the Domesday manors are traceable as a firm line and represent the third advance of manorialism in our area. Yet we know it in 1086 as a regime which, though imposed, was incompletely developed.

The status of the rural population is significant. Excluding landholders, 20 per cent of some 298 enumerated had no part in agricultural activities, 34 per cent were villeins, 30 per cent bordars, and 16 per cent serfs. In these three classes none was free, and it therefore seems that the free tribes had become villeins, some perhaps direct from tribalism, some through an intermediate stage under the Mercians; that the bondmen became bordars while serfs were probably newly drawn from vagrants, felons, or prisoners of war. In North-east Wales, 12 of the 100 manors included 44 serfs, an average of rather less than four to a manor. In Cheshire proper, there were serfs on 70 of the 286 manors, an average of two in each of these. Of the 44 in Wales, 25 were in Robert's holdings which were not subinfeudated. In the Maelor, there were only eight serfs in 11 manors, perhaps reflecting interference as well as the better state of the land there.

Two hundred years were to pass before the warring between England and Wales was concluded in 1282. The Statute of Rhuddlan was drawn the end of the soi-disant Wars of Welsh Independence in 1284.

This was a period of deep bitterness in Gwynedd, the tragic death of the prince, Llywelyn the Last, having caused their final collapse. Changes were to ensue in the economy, the administration, the mood, and not least in the introduction of new towns. Seen by the Welsh as pure oppression, the Edwardian Conquest was nevertheless to have unforeseen results and not a few ultimate benefits. Giraldus Cambrensis' oft quoted dictum 'The Welsh have no towns' had run out 200 years before in the Marches, but Gwynedd, Perfeddwlad, and much of central Wales had remained largely unaffected by Normanisation. Now Edward plunged into a comprehensive programme of building castles and castellated towns on the model of his father's in Gascony, and similar *bastides* now arose across all North Wales from the estuary of the Dee to and across the width of Gwynedd. In fact, Flint, which was the first of the chain, was built seven years before the formulation of the Statute of Rhuddlan. It is difficult to determine whether this controversial monarch was simply the expression of his age or the farsighted planner whose enlightened ideas threw long shadows before him.

In North-east Wales, he would have made Perfeddwlad into a shire in 1284 as he did Flintshire, but for the gratitude he felt to his marcher lords for their aid in the Welsh Wars. Instead, he carved it up into four new lordships and its shiring was to be delayed until 1536. The broad moorland and the more attractive and fertile coastal shelf of Rhos and Rhufoniog became the lordship of Denbigh, with Henry de Lacy, Earl of Lincoln as its first lord. Dyffryn Clwyd was created the lordship of Ruthin under the lordship of Reginald de Grey. Each of these was to have a new castle, and so arose the towns of Denbigh and Ruthin. The third lordship was Bromfield and Yales the Welsh centre of Maelor Gymraeg where the ancient stronghold of Dinas Bran became John de Warenne, Earl of Surrey's first castle – a remote and marginal site high above the Dee valley, later replaced by the castle of Holt on the lowland Dee. Last, the southern commotes of Powys Fadog became the lordship of Chirk centred on its new castle at Chirk under the lordship of Roger Mortimer. In the same period, simple motte and bailey castles at Rhuddlan and Hawarden were succeeded by more advanced Edwardian strongholds. The strategic significance of Edward's plans needs no underlining. Under the old régime, they would have been the signal for the wholesale creation of new manors within each lordship.

But the times were pregnant with change, and not least in matters of land and landholding. During the reign of Henry III, the subinfeudation of manors had increased to such an extent that many were too small to be viable. Hence, his Great Charter ensured that no man should grant or sell land without reserving enough 'to answer the needs of his lord'. This was followed by the *Statute Quia Emptores* in which was laid down the provision that 'in all sales and enfeoffments of land the feoffee shall hold the same not of the immediate feoffer, but of the chief lord of the fee'. Effective in 1300, it brought to an end the creation of any new manors. Following so soon on the Statute of Rhuddlan it meant that, although when it was

enacted the new lordships created in Perfeddwlad were almost if not entirely Welsh tribal territory, ripe for the new lords to advance manorialism, the opportunity was lost had it not been taken by 1300.

That remarkably full and informative *Survey of the Lordship of Denbigh* of 1334 illustrates perfectly the position not only of the manors, but of the changing climate of opinion about the Welsh population and about new conceptions in landholding. By the date of the Survey, three lords of Denbigh had succeeded Henry de Lacy who died in 1311, but these policies appear to have continued, and they must to some extent at least not have been out of tune with a changing outlook in Wales and perhaps in most of Britain. An important step had been taken in Denbigh in restoring the kindred to their tribal lands, even moving them *en bloc*. Settlement was expanding. The Survey reported that there were three other boroughs in addition to Denbigh – Abergele, Llanrwst, and Erethlyn – 80 *trefydd* (townships) and numerous dependent hamlets. Two Welsh tribal units were developing the pleasant and fertile coastal plain of Rhos, and this was then an area of successfully improving land use. In the lordship as a whole, in 1334, 200 free landowners and free tenants and 56 villein tenants between them held a total of 43,000 acres.

Individual land ownership, by Welsh and English, was increasing and giving rise to many smallholdings, farms, and estates. Among all these in the *trefydd*, only four manors had been created. Such a change was little less than revolutionary. On some of the landed estates were the forerunners of the later 'gentry' and doubtless some incomers of gentle birth as well as free tribesmen, equally proud of family and proud of the land they owned. It is illuminating to follow unbroken sequences of family and estate documents. For a number of estates in this area of North-east Wales, several go back to the 13th century, others to the 14th. At the same time, there grew up, as elsewhere, sharp differences from district to district and even from township to township. Bromfield and Yales long kept its Welsh customs, and the old field patterns were recognisable in many places with their scattered ploughing strips, but it was tradition and custom rather than legal obligation which influenced such groups, even after the introduction of English law. Everywhere, would men but take advantage of it, there *was* a new outlook, there were new economic opportunities for the enterprising. Social limitations continued in the English boroughs and some failed to allow Welsh in the boroughs for many decades after their establishment in the 13th and early 14th centuries. Yet despite the numerous difficulties – and many were severe, discriminating against the native Welsh and in favour of the resented English – there was a new smell of freedom slowly growing as the centuries passed. With minor exceptions, the manor had little place in the Denbighshire lordships, and it was the landed estate which replaced it together with a growing community of new independent farmer and smallholders.

The study of the changing face of the rural scene, social, economic agrarian, is complex, difficult, and fascinating. We geographers brought new dimension to it. Now the archaeologists are upturning the soil and some of our most dearly held theories. One which is particularly challenging is that the persistence of boundaries is more real than the site of settlement elements within them. With the changing history of the manors after 1300 and the emergence of estates with no manorial ties, this might be a theme of particular interest in Wales as well as in England. But that is not within the scope of the present study.

Dr Sylvester was formerly Reader in Geography at Manchester University.

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