

Title	MANOR AND GRUNDHERRSCHAFT
Sub Title	
Author	UONO, HISASHI
Publisher	Keio Economic Society, Keio University
Publication year	1964
Jtitle	Keio economic studies Vol.2, (1964.) ,p.35- 50
JaLC DOI	
Abstract	
Notes	
Genre	Journal Article
URL	https://koara.lib.keio.ac.jp/xoonips/modules/xoonips/detail.php?koara_id=AA00260492-19640000-0035

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MANOR AND GRUNDHERRSCHAFT

HISASHI UONO

INTRODUCTION

The feudalism that William the Conqueror introduced into England after the Conquest may be said to be characterized by what is termed as "ligeitas" — an unconditional subordination of a lord to the king. Terms such as "terra regis" or "geldum regis", meaning royal control over domains were indications of this practice. Supposing that feudalism is defined as a centrifugal force in the formation of principalities, then "ligeitas", the rise of sovereign power¹ and the survival of folkmoot² would appear to be a contradiction of this definition. The conflict between feudal power and the growth of the nation state was apparent on the Continent as well as in England.

In England where sovereign power was stronger, public record as the part of state system in English feudal system and the Domesday Book as "the true starting-point of the history of English administrative history,"³ reveal unique phases found only in England; problems on the Continent concerning the same conflicting powers were of a different nature.

The institution of "Eigenkirchen" was common on the Continent, while in England the transformation, by royal authority, from Folc-land to Laen-land appeared along with the emergence of the king's ownership of the bishop's parish, the "genossenschaftliche" possession of churches, grants of churches to fiefs and lastly, control by the Norman kings over Anglo-Saxon bishoprics.⁴ It is of unique historical significance that English priests tended to be more nationally oriented than their counterparts on the Continent, with the result that the Church itself became somewhat of a national church⁵. Compared with the situations in Germany, where the management of non-possessed land by royal authority resulted in "precariae verbo regis" and "Konigsfreien", English management of church lands as well as secular lands which presupposes "terra regis" assumed a unique form.

On the other hand, it brought a diverse result to the Continent because the English Church remained the people's church and, although

¹ Heinrich Mitteis, *Der Staat des hohen Mittelalters*. S. 138. S. 292. *Lehenrecht und Staatsgewalt*, Vorwort.

² H. Mitteis, a. a. O., S. 219.

³ V. H. Galbraith, *The making of Domesday Book*, 1961. p. 1.

⁴ H. Mitteis, a. a. O., S. 215.

⁵ H. Mitteis, a. a. O., S. 215.

the powers of the primate of Canterbury developed, owing to the restraints imposed on the primate of York by William I, English clergy did not aspire to lay titles and did not play as great a role in political life as did their Continental counterparts⁶.

I

The Domesday Book contains numerous passages concerning "liberi homines" i. e. free men⁷, very similar to the "omnes leudas" in the Morovingin Empire and to "liberi homines" in Flächenstaaten of the German Empire.

For example the Domesday Book II (164. anno 1086) reads as follows; "the manor of Rockland in Norfolk . . . VI liberos homines et dimidium quos habuit soca in buckenham regis . . . (Of these 6 freemen and a half the soke was in the king's [manor of] Buckenham ((in the time of King Edward, and afterwards, until William de Warenne had it)). (sic). IX liberi homines et dimidium" . . . (After this there were added to this land 9 freemen and a half, 1 carucate of land, 54 acres, this is in demesne.)" (sic).

These freemen, "liberi homines", or in Anglo-Saxon, "ceorls", are described as being a kind of free tenant living on the royal manor. The soke, being under the jurisdiction⁸ of a lord was in the hands of the royal manor of Buckenham under the rule of King Edward (1042-1066). It is possible that, as in the thirteenth century, the word socage came to mean in legal terms a free non-military tenant who, like "arimanni" and "bargild" on the Continent, was excused from the king's military service and became instead a free tenant. In other words, it meant one who enjoyed the king's protection without military obligation, other than his lords having no jurisdiction over him.

There is no mention of tribute, "hostem", that is the payment of money instead of military service, or of palfrey,⁹ that is the contribu-

⁶ Ch. Pettit-Dutailles, *La monarchie féodale en France et en Angleterre*. X-XIII Siècle. 1933. p. 42. H. Mitteis, *a. a. O.*, S. 216.; Christopher Hill, *Economic problems of the church*. p. 8.

⁷ *Registrum prioratus beatae mariae wigorniensis*. p. 138 a. *Concessimus etiam et dedimus ommibus liberis hominibus regni nostri pro nobis et heredibus nostris imperpetuum has libertes subscriptas, Habendas et tenendas eis et heredibus suis de nobis et heredibus nostris.*

⁸ soca:—The jurisdiction of a lord; the liberty of tenants excused from customary impositions. (The record interpreter.) Cf. *Register of Worcester priory*. pp. XLiii, Li-Lii.

⁹ Veredus is a post-horse; Paraveredus, an extra post-horse. Hence it seems that the original meaning of the word palfrey is a horse provided rather than owned.The Paraveredus was originally the post or pack horse, though as the Palfrey he attained a higher name and use. (*Registrum prioratus*. p. XXXvii.)

tion of horses instead of military service. "Hostem" or palfrey were an obligation of being "Konigsfreien" on the Continent. Instead, "Donegeld"¹⁰ and "Hidage" of "geldum regis" . . . unique English tax systems, are frequently mentioned in the records of "manerium", as described below.

This system of dues was developed in the same way as were the continental "hostem", "bargildi" and "census regis", but there was a noticeable change in the development of the words from military function to fiscal one. Different historical conditions and the unique English regime helped form a historical character distinct from that of the Continent.

To quote from the documents concerning the above "IX liberi homines", "Of four and a half of the 9 freemen the soke and commendation was in the King's (manor of) Buckenham in the time of King Edward, and afterwards, until William de Warenne had it, and the whole was delivered in the time of Earl Ralph."¹¹

In addition, in The manor of Havering, co. Essex (Domesday Book, II, 2b. anno 1086) (sic) the following passage appears. "Hundred of Bintree. . . . To this manor belonged 4 freemen (IV liberi homines) with 4 hides in the time of King Edward, rendering custom. (reddentes consuetudine)." The custom in the quotation probably corresponds to Alfons Dopsch's "They are called consuetudinarii among the Franks in the early Carolingian period and in England in the eleventh century. The land itself, in respect of which the holders are according to custom to perform services, is called terra consuetudinaria".¹²

In the Domesday Book I on page 56 there appears a phrase "census regis" followed by "If anyone killed a man having the King's peace, he forfeited to the king both his body and all his subsistence".¹³

It seems that the idea of "liberi homines", similar to German "Konigsfreien" existed already in the Anglo-Saxon period. Therefore it might well be concluded that the subject of "Konigsfreien" recently

¹⁰ Danegelde and Hidage being taken as equivalent terms, the Danegeld having been first paid as a subsidy to the Danes, and afterwards applied to furnish means of defence against their invasion. (Registrum priomatus. p. viii)

¹¹ English economic history, select documents. p. 16. Four and a half of these nine freemen commend themselves directly in the manor of the King, and become the so-called exclusive retainer ("homines ligii"). Here, general freemen who are subject only to the soke and do not collect alms are distinguished from special freemen who are not only subject to the soke but also collect alms.

¹² Alfons Dopsch, The economic and social foundations of european civilization. p. 238.

¹³ English Economic History, Select Documents, p. 15. Here "homines" who are practically under the direct protection of the King are mentioned.

treated by some German historians did not interest their English counterparts.

The Domesday Book II 345 (Suffolk) gives a description of the land held by "liberi homines" as follows. "In Cliemhundred, V liberi homines L IIII ac semp. 1 carrucata et dimidium", constitutes a proof of the existence of the freemen in possession of large lands.¹⁴

"Liber census" does not mean free rent paid by freemen. "Liberi homines" are different from "villanus" in the sense that the former are free from any personal labour. Yet, they are "homo" to their lord and are permitted to hold their lands by homage, relief and rent.

Osber the Smith, one such "liberi homines" was said to have an obligation to attend two lord's courts. In this case his land was probably granted without due homage.¹⁵

Thus, "liberi homines" are free from any personal labour but are not free from all services to the lord. They held their lands by homage and rent and were under obligation of relief and heriot. Another obligation was to attend the manorial court. For instance, as in Eyle, there was "Regale Servitium",¹⁶ meaning attendance at the king's justice. Concerning such "Regale Servitium" there was evidence of a transformation from military or police service into court service, as evidenced by the following quotation. "De liberis. Ricardus de Salford tenet dimidiam hidam de Priore, quam Thomas Ruppe tenuit de eo, et facit regale servitium tantum, et debet esse coram justiciariis itinerantibus pro defensione villae ad custum suum."¹⁷

¹⁴ Carucate terrae.—At page 60, two carucates are described as containing twelve virgates. The virgate or yardland being 30 acres, it follows that a single carucate contained 180 acres. The carucate was sometimes of other dimensions either 160 acres, or 140. (Registrum prioratus. p. XLV.) (The carucate at Coldingham in Durham consisted of eight bovates, the bovate containing at one time thirteen at another fourteen acres. *ibid.*) In Cliemhundred, five freemen possess 54 carucates, but ordinarily they hold one carucate and a half.

¹⁵ Homagium.—This ceremony is thus described by Bracton, ii. 35, 8. and Fleta, iii. 16. 21. "Debet tenens manus suas utrasque ponere inter manus utrasque domini sui, dum tenens proferat haec verba: Devenio homo vester de feodis et tenementis, quae de vobis teneo et tenere debeo et fidem vobis portabo contra omnes, salva fide mea versus Regem et haeredes suos et alios Dominos meos." There is a difference between Homage and Fealty, Fidelitas. Homage is performed by the tenant on his knees, but Fealty in a standing posture. Homage also is performed to the Lord in person, but Fealty before the Steward of the court. (Registrum prioratus. p. XLViii.) Here regarding "fides" (Truth) the duality of King and Lord is considered.

¹⁶ Registrum prioratus. p. XXI. p. L, (In the present day the rights of Lords of manors are termed „Royalties.“)

¹⁷ Registrum prioratus. pp. 64b-65a. As to the freeman, Ricardus of Salford holds (or takes a sublease of) half hide of a priory, the rest of which was borrowed by Thomas Ruppe from a prior. Ricardus should fulfil a "regalia" service or should attend the court of assizes that was considered as a substitution for the duty of protecting general safety of the villa.

The following commentary will make clearer the term "liber". "Summa virgatarum liberarum. . . . These virgates are termed "liberae" because held by homage, and in some cases by rent also. They were twenty-two in number, as stated below. (Registrum prioratus. p. LXXX.)"

We are, therefore, led to consider the libertas-homage relation in the pyramid of "Herrschaftsfreiheit", "Konigsfreiheit" being at the top. We can also say that in England as on the Continent "libertas" was relative. For Example, the Domesday Book II. p. 317 (Suffolk) gives the following description: "Non potuer uendere t'ram sua nec dare alicui." (Nobody can sell or give his land to another person). "N'(non) potuit uendere nec dare." (p. 324.) (Nobody can sell or give.). "Non potant remouere ab illo man. (manerio)." (Nobody can move from the manor.). (11. p. 66.). It is obvious that one cannot sell or give his land to another, or move from the manor without the agreement of his feudal lord.

These controls were performed by sheriffs¹⁸ in England, prévot in France. The chief task of these law officers was to collect royal income in the country. Petit-Dutaillis justly stated that "the appearance of sheriffs occurred during the transitional stage between feudal and centralized kingdoms,¹⁹" and that "they constituted the link between central and community government."²⁰ Thus he found in history of sheriffs the competitive process of nationalization and feudalization of mediaeval England.

II

We shall now consider Northamptonshire, Huntingdonshire²¹ manor²² of the abbey of Peterborough operating under such a national system.

The record of this manor and definitive work thereof, "Liber Niger monasterii S. Petri de Burgo (1125-1128), compiled in an appendix to "Chronicon petroburgense"²³ was regarded as the well-known record of an ecclesiastical estate in the twelfth century. Two other authorities may be cited . . . namely "Baldon Book" (1183) and "The Domesday of Ralph de Diceto" (1181).

¹⁸ Ch. Petit-Dutaillis, *La monarchie féodale en France et en Angleterre—X-XIII siècle—*. p. 137. ff.

¹⁹ Petit-Dutaillis, *ibid.*, p. 137.

²⁰ Petit-Dutaillis, *ibid.*, p. 139.

²¹ E. A. Kosminsky, *Studies in the agrarian history of England in the thirteenth Century*. pp. 104, 118.

²² *Liber Niger monasterii S. Petri de Burgo*.

²³ Camden society publications. [No. XLVII.]

The preface to this book reads as follows.

“This is a description of a manor on a Burhc monastery, which Walterius Archidiaconus agreed to supervise, after which he turned said description over to the king.”

This record was compiled by the lord in his *ligeitas* relation to the king to help the king's administration. This text, aiming at producing the *ligeitas* relation, should be treated like the Domesday Book. It cannot be considered a diligent record of the administration of ecclesiastical estates as can “*codex Lareshamensis*”. At the beginning of “*Liber Niger*” is the following passage: “*In Kateringes sunt. X. hidae ad geldum Regis*”.²⁴ (In Kateringes, there are 10 hidage to pay as land-tax to the King).

We may conclude therefore that hidage “*geldum regis*” and “*Danegeld*” are synonymous. In a “*Leges Henrici Primi*” *Danegeld* consisted of annual income of 12 pence per hidage. We fail to find anything to prove that the church lands were exempt from this. “Each tenant in capite (chief)” under obligation to pay is taxed according to the number of hides he owns. But, the amount and terms of the fixed payment were uncertain as was the payment date. Generally, it was said that hidage and *taillage* (tax) were unbearable due to the uncertain nature of their terms.²⁵

In the above situation, legally speaking, all lands in England since William the Conqueror belonged to successive kings as “*terra regis*”; the manorial chief being the King's subtenant, the commoners the manorial chief's subtenant.

We may say that “*geldum regis*” was imposed on “*terra regis*” or “*Königsleute*” just as on the Continent, “*census regis*” and “*osterstuopha*” were imposed upon. They belong to a category quite different from *homines villae*. In other words tenants in capite in hides who pay “*geldum regis*” are “*ligius homo*” or lord of the manor

²⁴ *Geldum regis*—It is probable that the payment was commonly called “*Hidage*”. It was not in the power of the grantor to diminish the royal revenue. It would appear, however, that the grantor might levy a payment upon any part of his property.

²⁵ *Registrum prioratus*. p. VIII.

²⁶ Because a rateable extent of a manor is valued by the number of hides, on which the *Geld* was charged, the following articles in the Domesday Inquisition are referring to the *Demesnes*. The number of hides in the *Demesnes* is made clear in the four instances therein. But as to the rest, it remains uncertain whether the total number of hides, for which *Geld* was paid, equals the lands retained by the Lord or not. Moreover, we cannot make clear whether some lands were retained by tenantry due to the fact that there was little mention or no description at all about the tenantry in the book.

or his tenants.²⁶

"Liber Niger" describes as follows; "And of these ten hides,²⁷ forty villani hold forty virgas. (virgates = 30 acres). These homines who work for the lord cultivate four acres "ad tremeis" in each virga. ("ad tremeis = tremesium, tremiscum, tremagium = summer corn). Moreover, three times during winter and spring and once in summer they must take to the lord spades "Carrucas". In total these homines use twenty-two "Carrucas" in their work. All homines work for three days a week.

In addition to the above, they must pay customarily ("de consuetudine")²⁸ two "solidus" and three "obola"²⁹ per "virgate", plus one hen ("gallinas") and 640 eggs ("ova"). Moreover, Aegelricus holding 13 acres ("acras") must pay two acres of hay and 16 denarios³⁰; "Molendinario" with a water-mill pay 20 solidus. Each cottager ("cotsetes") has 5 acres which he works once a week. There are in total 8 cottagers who make malt ("brasium") twice a year, each giving one denarios instead of Tom-sheep ("pro capro"), or obolus instead of she-sheep. There is also one shepherd ("bercarius") and one pig attendant ("porcarius") who holds 8 acres of land. There are in the manorial house ("dominio curiae") 4 Carrucas which are pulled by 32 bulls ("bobus") and 12 cows ("vaccae") with 10 calves ("cum X vitulis") and two domestic animals ("animal otiosa"), three farm horses or draught oxen ("auras"), 300 sheep ("oves"), 50 pigs and pasture worth 16 solidus. In this Villa Aecclesia is offered at an altar of the monastery in Burg. 4 ewes ("arietes") and 2 cows ("vaccae") or 5 solidus are dedicated at St. Peter's ceremony ("caritatem")³¹.

In Kateringes, as mentioned above, Villas have the dominium curiae as their centres. It is written down that villani held a portion of hides to pay "geldum regis", which presupposes an adequate supply of coins in circulation and, moreover, the property of curia in a villa ("villicatio"), labour services of homines villae and tributes are all mentioned. Commutation of labour services and tributes was already seen here as well as on the twelfth century Continent. Here, cases, in which labour services and tributes imposed from outside villas were

²⁷ 1 hide=about 120 acres.

²⁸ de consuetudine.

²⁹ obola, obolus:—a halfpenny.; solidus:—a shilling.

³⁰ denarios, denarius:—a penny.

³¹ De caritatibus vini:—"Caritas" here means a certain measure of wine. The drinking the Caritas was a formal ceremony, which preceded the reading of the Collation, "ex vitis et collationibus Patrum," after Supper and before Compline. (Registrum prioratus. p. CXI.)

not commutated (sic), exist failly often. It is true that this practice supported the management of inner-villa ("curtis"). "Liber Niger" is referred frequently as an example of such labour services.

The following figures will explain the nature of selected villas.

In Tineguella,

hidae ad geldum regis	4.5 hidae.
20 homines	20 virgas terrae (de istis tenent.)
13 homines	6.5 virgas (tenent.)
omni homines	40 solidos (de consuetudine reddunt.)
isti homines	34 acras (de consuetudine arant.)
isti homines	2 diebus in ebdomada operantur (de virgis.)
isti homines	30 gallinas (hen) (reddunt.)
4cotsetes (cottager)	(sunt ibi.)
4 bovarii (ox-herd)	(sunt ibi.)
isti homines	12 carrucae (tenent.)
in dominio curiae	2 carrucae de 12 bobus.
	1 vacca (cow.)
	10 oves (sheep.)
	2 sues (pig.) 1 ver (cattle.)
	8 hoggastres (hogget.)
	2 molendini cum molendinariis, quis reddunt
	35 solidos.
	6 solidorum prati de superplus.
	1 vacca vel 2 solidos (ad caritatem sancti Petri.)

In Undele,

hidae ad geldum regis	4 hidae
25 homines	20 virgas terrae (de isti tenent.)
isti homines	20 solidos per annum, et 40 gallinas (hen) et 200 ova (egg) (de consuetudine reddunt.)
homines villae	9 carrucas (habent), et (ad festo st. Michaelis usque ad festum st. Martini) inveniunt carrucas ad opus domini semel (once) in ebdomada (weekly). 10 acras de waret (waretta, warecta = fallow land) a festo st. Martini usque ad Pascha semel in 15 diebus arant.
	queque virga, 3 diebus in obdomada, operatur.
10 bordarii (bordiers)	semel in ebdomada operatur.
15 burgenses (citizen)	30 solidos (reddent.)

mercatum villae (market of villa)	4 libras et 3 solidos (reddit.)
1 molendinus (a mill) cum una virga terrae	40 solidos et 200 anguillas (eel) (reddit.)
abbas	bosum (ox) in sua manu (hand) (tenuit.)
homines villae (cum bovariis)	5 solidos (de chewagio ³² per annum reddunt.)
Vivianus (name of person)	1 virgam terrae cum alio feodo tenet.
Hugo filius Willelmi	1 virgam terrae per servicium sub monitione (calling out) militum tenet.
3 homines	3 mansuras (farm) tenent, et 18 denarios reddunt.
in dominio curia	3 carrucae de 24 bobus (oxen) 10 vaccae (cows) 8 vituli (bull-calf) 9 otiosa animalia (domestic animals) 1 taurus (bull) 12 sues (pig) 1 ver (vervex = wether) 16 maiols (gelded pig) 31 frescenges (pigling) 1 vacca de 32 denariis et 300 panes (ad caritatem sancti Petri.)
In Pilesgete	
hidae ad geldum regis	3 hidae
8 villani	1 hidae et 1 virgam (tenet.)
isti villani	2 carrucas habent, unde arant ad opus domini 8 acras ad hivernage(hibernagium corn sown in winter) et 8 ad tremeis et operantur (work) 3 diebus in ebdomada.
1 bordarius (cottier)	est ibi.
2 bovarii (ox-herd)	terram tenentes per servicium. et.
1 bercarius (shepherd.)	est ibi.
44 sochemanni.	
isti omnes cum villanis praedictis	44 solidos per annum reddent.

³² Chewagio—chevage, head money, a fine paid yearly by bond-tenants dwelling away from the manor. (Tawney, *ibid.*, p. 72.)

omni isti sochemanni	8 carrucas habent, et inde 3 vicibus (times) per annum arant.
quisquis istorum	dimidiam acram de blado (corn) domini in Augusto metit (reap), et 2 vicibus in Augusto praecationem (boonwork).
quisquis	1 die ad tremeis herciat (harrow.)
1 molendinum (mill)	4 solidos reddit.
in domino curiae	1 carruca de 8 bobus (bull). 1 ver (vervex.) 2 vituli (calf.) 1 hercatorius (harrower) 2 pulli (young horse) 20 novies oves (young sheep) 20 porci (pigs) 6 oves vel 1 vaccam, et 5 ulnas de panno (ell of cloth) in festo Sancti Petri.

In this manner we find the following descriptions about Torp, Colingeham, Estona, Wermintona, Turlebi, Alwoltona, Wirrintona, Burgo, Pihtesle, Esctona, Glintona, Castre, Fischertona, Scotere, Gosberchirge, Waltona, Eia, Flettuna, Stanfort, Hamtona, Yrtling, Stanwigga villas ("manerium"). Above all among these villae, Burgo ("villa"), which is mentioned in the title of "Liber Niger monasterii S. Petri de Burgo" or that of "Abbatia S. Petri. De Burg ten'uilla quae vocat Burg" (The Domesday Book I. p. 221), was considered to have Abbatia S. Petri as its centre. In "Liber Niger", we find the careful protections of lepers ("Lazari") and the tenure of hostel ("hospicia") as the tenure by honourable service ("sergentaria") of milites. Moreover, we find described the total income from this villa amounting to 14 librae, 8 solidi, 7 denarii. "Grangia et placita" are valued at 16 libras. Lepers ("Lazari") hold a cloister of five acres presented by Aernulf.³³

Those manor contributions are described below (p. 166.) in the same book, under the title of "1sti sunt redditus maneriorum de Abbatia de Burch. "Keteringes pays 26 libras as rent ("firma") every year and Tineguella pays 15 libras". Their total is as follows. In coin ("denariis") of firma of maneriorum amounts to 284 libras, 13 solidos, 4 denarios. In grain total, 65 modios of corn, 48 modios of mash ("grud") and malt ("brasio") and, oats ("avene") amounting to 9 modios. The grand total of grain equals 122 modios. This grain was valued at 97 libras, 12 solidos. The combined total of "denariis et bladis" was valued at 380 libras, 45 solidos and 4 denarios.

³³ Liber Niger. p. 161.

The sum-total of labour services for the king was valued at 212 libras, 5 solidos, 4 denarios.³⁴ Therefore, 380 libras, 45 solidos, 4 denarios — 97 libras, 12 solidos are equal to 283 libras, 33 solidos, 4 denarios. In a word, the total money-rent equalled 284 libras, 13 solidos, 4 denarios, proving that, in these manors, compared with contribution in kind, money-rent was overwhelming. The total value of labour services for the king was expressed in the terms of money, and nothing was described of the commutation and the monetary evaluation of labour services (“opus”) of *liberi homines*, *sochemanni*, and *homines villae*, in these manors.

Following this section, we find, under the title of “*Haec est descriptio militum de Abbatia de Burgo*” that military services were as follows.

“Asketillus of St. Medard held 10 hidas, 1/3 virgam in Hamtonascira donated by the cloister of Burgo.”

6 milite	3 carrucatas (in Lincolnescira), et inde servit se.
senior Eudoni dapifero	Rex Willelmus dat 1 hidam et dimidiam de feudo hujus militis, et mandavit (command) ut inde darent ei excambium vellet (light-armed soldiers) de 3 vicinis comitatibus, sed Abbas noluit.
Ricardus Enganie	2 hidae in Hamtonascira, et servit pro 1 milite. (knighthood) (tenure by knight service).
socemanni	1/4 militis, et ipse 1/3 militis faciunt.
Rogerus Infans (junior)	12 hidas in Hamtonascira et inde servit se 6 militum, et calumniatur se esse minoratum de (give the appearance of being minority of) 1 hida et dimidia in Codestoc, et 1 carrucatum in Lindeseia.
Viel Enganie	3 virgae en Torp et dimidia hida en Hara-grava, et hida et dimidia en Pihtesle, et 1 virga, et servicium pro 1 milite.
Gosfridus nepos (nephew) Abbatis	8 hidas in Hamtonascira tenet et inde servit se 3 militum.
Ascelinus de Waltervilla	13 hidas, et 1/2 virga, et inde servit se 1/3 milite. Praeter hoc, 1 hidam et 1 virgam terrae pro 10 solidis, quos reddit ad altare

³⁴ Liber Niger. p. 167.

- Willelmus de Burgele in die festivitatis Sancti Michaelis.
3 hidas et 1 virgam et dimidiam in Hamtonascira, et in Lerecestrascira dimidiam hidam ad servicium de Burch, et clamat praeposituram (a reeveship) de Stanforda in feudo pro 10 libris, et tamen tempore Rannulphi reddit inde 14 libras; modo reddit 12 . . . et servit se altero milite.
- Willelmus filius Radulfi 4 hidas et 1 virgam, et 1/3 virga in Hamtonascira, et 4 carrucatas in Lindeseia, et inde servit se 1/3 milite.
- Radulfus de la Mare 2 hidas et dimidiam in Hamtonascira, et 2 carrucatas et dimidiam in Lincolnescira, et inde servit se 3 milite.

The following are described in this way. It is important to notice that "Sochemanni held one fourth of a knight's fee and cultivated one third of his holding by himself" and that "Sochemanni de Ailintona held one hide and one virgate for the knight's service ("cum militibus").³⁵ Therefore, we find here evidence that, among sochemanni=liberi homines, there were those, who maintained both militia of their own and others, and at times rendered military service. Most liberi homines, were small non-military tenants, but a few of them, with large holdings, did render military service. In England unlike the Continent, "precaria" meant "a request by a lord to his tenant for aid or tax". A description of a knight's fee ends with the following.

"The total lands, divided into "domino maneriis" of monastery ("in dominio") and the lands held by knights, amount to 161 1/2 hides and half bovate, in addition to 1/5 bovate. "In dominio" there were 57 ploughs ("carrucae"). "Villani" had 200 ploughs ("carrucae") and one ox ("bovem")."

Details of Burch Monastery in "vicecomitatu" in Lincoln are described as follows.

"Walecote near Thrikyngham has 2.5 carrucatas in domain ("in dominio") and two and a half carrucatas³⁶ in "socage". In Obetorp, there is tenureo ("socagium") of two bovates land. Manerium in Turufesb has two carrucatas "in dominio" and one and a half carrucatum in socagium". (p. 176.)

³⁵ Liber Niger. p. 173. "In Estona", there are 9 schemanni who own 1 hide and 3 virgates in Lerecestrescira, who serve with knighthood in so far as it was concerned with them legally. (ibid., p. 172.)

³⁶ carrucates—a plough-land, the size of which varied. It is mentioned as containing "centum acras ad perticam nostram."

In this record, land "in dominio" and "socagium" (a tenure inferior to tenure by knight-service) are described differently.

Then, perhaps under the influence of equitable succession laws on the Continent, precisely in Germany, we find equality of condition or property, a tenure between parceners ("paragium") in the preceding clause. (ibid., p. 173)

Description concerning these manors concludes with the elucidation of the boundary of swamps and ponds.

In East Anglia, where non-feudal elements in the medieval society of England were most remarkable, their characters being distinguished by freemen and free village without lord³⁷). Commutation early developed side by side with the labour services even in the thirteenth century and yet, there were two questions; one concerned the differences between the manorialized and the non-manorialized areas in liquidity; the other was the division of farmers into freemen and villeins³⁸. When did the change from "servus" to "villani" (semi villani, cotset, bordarii³⁹, bovarii, etc.) take place and the commutation in Peterborough arise?⁴⁰

In chapter, "Terra Sa' Petri de Burg" in the Domesday Book I. 221, it is written that "In Stocke Hundred—5 et 7 servi. In dominio sunt 2 et 4 servi. In dominio sunt 2 et 4 servi. 1 servo. Pillesgete—1 servo. In Glintone—2 ancilla. In Widerintone—4 servi. Vnde—3 servi (1. 221. b.) Wermintone—3 servi. Ascetone—1 servo. Erdiburne—2 servi. Stanwige—1 servo. Cateringe—1 ancilla." In Liber Niger, however, in the manor described we do not find "servus" and "ancilla". In the description of Burgo s'ci Petri, in Rotuli Hundredorum 11. 638–639, in the thirteenth century, they are classified into "libere tenentes, villani, and cotar." Seignorial rules over the manor and the villa is here the unit for fiscal and judicial obligations⁴¹ and was carried on as "Alwaltone. Abbas de Burgo Sancti Petri tenet manerium de Alwaltone & villam de domino Reg' in capite." (11. 638.) We find the expansion of the feudal-lord's rule over the free villages and the dwellers therein. "Flettone abbas de Burgo Sancti Petri tenet manerium & villam de Flettone de domino Rege in capite." (11. 639.) Under the title of "Hae sunt oblationes fidelium in Hephenheim" (tributes by the faithful in this area) there appear descriptions about Grundherrschaft on the Continent in the twelfth century, in the Codex Laureshamensis, Nr.

³⁷ Cf. the later description about the free village on the Continent.

³⁸ E. A. Kosminsky, ibid., pp. 134–135.

³⁹ Liber Niger, pp. 160–161.

⁴⁰ On the Continent, the old Unfreihait (servus, mancipia, ancilla) had almost disappeared by the eleventh and the twelfth century.

⁴¹ E. A. Kosminsky, ibid., p. 135. In Alwaltone, tona means terrena (land).

3813. (Tom III.)

"One who cultivates the vineyard at the outskirts of Banebach must pay two denarios.

"One who holds the grass land at Staffele must pay one denarium.

"Giselherus pincerna" (Beiname) has the vineyard outside Banebach and the strip ("pertica") at Sulza; he pays two denarios and obolum.

"Wernherus holds a part of the vineyard at Loche and therefore he pays one denarios." (Nr. 3813, Tom III).

One does not find an explanation regarding the commutation of labour services or even a definite description of *Stände*, except Beiname. What was written was only the amount of commutation and contributions in the form of wine and cheese plus decima, curia and the donation of vineyards. It seems that corn was not cultivated there.

The register suggests that Grundherrschaft was not under direct control of the sovereign power at this time. Commutation, decline of labour services and conversion of *Stände* prove that economic and social transformation was taking place at this time. In the twelfth and the fourteenth century the continuous falling agricultural prices and the devastation of many villages adversely effected free peasants.⁴²

Moreover, the lord tried to strengthen legal control over the following text; "Act 11. The abbot can force any man ("homines") who belongs to the church of Saint Mary and does not pay capitation tax ("censum de suo corpore") to the Hof ("curia") by law. He is compelled to become "Hofknecht".⁴³

On the other hand, the rights of peasants living on manors were confirmed by Grundherr, as the following text shows; "The censuales (die Zinspflichtigen) which the church has or will have, in any case, should not be lent or exchanged for official or profitable reasons".⁴⁴ As we can see in the following text the emperor began to protect the peasants in the free-village from Grundherrschaft.

The Roman Emperor, Friedrich, will declare to his subjects ("fidelium") the following, at present and in future. By this contract villagers of Bernheim ("villani in Bernheim") became free. In return they were obliged to give up their land. They and all posterity must pay 25 Scheffel of wheat ("modios") to the Empire every year. For this

⁴² Friedrich Lütge, *Deutsche Sozial-und Wirtschaftsgeschichte*. SS. 146-147. Wilhelm Abel, *Die Wüstungen des ausgehenden Mittelalters*. SS. 95, 133.

⁴³ 38. nach 1100, Oberrhein. Hofrecht von Münchweier. Günther Franz, *Deutsches Bauerntum*. Teil. 1. SS. 80-81.

⁴⁴ 37. Um 1094, Württemberg. Welf und die Seinen weisen die dem Kloster Weingarten und seinen Zinsleuten zustehenden Rechte. Günther Franz, *ebenda*. Teil. I. S. 75.

payment they will remain free of all powers of control and will be protected by the Emperor. If anyone dare to injure body and property, he shall be sentenced a destroyer of the Emperor's dignity. In order that posterity shall not err, due to neglect or the passage of time, the Emperor will make the present document valid by his seal. These were the witnesses (26) and others. This document was written in 1172 A.D. This corresponds to the 21st year of the Kingdom and the 18th year of the Empire, during 5 periods of the reign of the Great.

"This was delivered at Würzburg on the 19th of April. God bless us. Amen."⁴⁵

It is difficult to estimate the number of "vicus and liberi homines" in Germany whose status was changed from free villagers to King's freemen. The freedom enjoyed by peasants of the free village was presumed to have appeared at a later date, if the term freedom is to be taken literally. It seems that this freedom originated at the time of the disappearance of the older Herrschaft. For example, Bernesheim⁴⁶ already appeared among the various "villae" which belonged to "fiscatum", in Otto's potestates, on the land of Lord Bernhard. The account is in Codex Laureshamensis, Nr. 69. Donatio Ottonis primi in Brumat XXX hubarum. (11 Aug. 953.)

This villa Bernesheim in C.L. Nr. 3682⁴⁷ appears as the villa (about 1000 A.D.), that belonged to the above-mentioned Brumat. Therefore, we may conclude that the villa Bernesheim was freed from the rule of counts or Lorsch Monastery between 1000 and 1172.

Finally, we should offer some additional remarks concerning Peterborough. About this manor, we often observe the description that the wives of ox-breeders ("uxores bovariorum") sold ("ventant")⁴⁸ the lord's corn ("bladum curiae") throughout the year ("per totum annum") whenever their lord so commanded it. ("quando dominus eis praecipit"). (Liber Niger 163, 165) This was done in order to increase the cash income of the manor.

Bovarius, however, belonged to the lower class of this manor. "Each bovarius paid one denarius per person ("pro capite suo") to his lord, if they were free ("liber"). They pay nothing, if they were not free

⁴⁵ 55. 1172. April 19. Franken. Kaiser Friedrich I. nimmt die Einwohner von Burgbernheim gegen eine Jährliche Abgabe in seinen Schutz. Güther Franz, ebenda, SS. 129-130.

⁴⁶ Mannhemii Typis academicis, Tom. I. p. 120.

⁴⁷ Ebenda, Tom. III. p. 227.

⁴⁸ If this "vento=vendo" is interpreted as "ventare, ventilare", meaning to winnow or to air, to employ this word with "throughout the year ("per totum annum") will make this agricultural custom impractical. Landwirtschaftskalender, S. 3. Bresslau, 1793. „Januarius, 1 bis 16, der Gerstenspreu wird ausgesiebt.“

(“servus”). Their wives pay respectively one obolum pro capite.”⁴⁹

The sale of the lord’s corn indicates his increased need for money. It was also an indispensable condition for the formation of local markets.

Thus, within the Boldon Book of the Bishopric of Durham,⁵⁰ we are offered a picture of description of estates, plus the relationship between peasants and their lords.

⁴⁹ Liber Niger, p. 163.

⁵⁰ Boldon Book, p. 1. (p. 565. in Domesday Book, IV.)