Kresen Kernow Guide – Brief History of Manors and the Manorial System

This guide aims to provide a brief introduction to the history of the manorial system, give context to the creation of the various manorial documents available for research, and explain a little of what life might have been like on a manor. We recommend reading this guide first and then our ‘Finding and Using Manorial Documents’ guide, which will help you locate manorial documents and explain the information they hold. If you are unsure about any of the terms mentioned in this guide, please see our ‘Glossary of Manorial Terms’.

A Manor - More Than Just a House

A manor was an administrative unit, not just a building or geographical area of land. The manorial system resembled that of the feudal system, where the lord of the manor provided land and security for tenants in exchange for loyalty and service. The first traces of the manorial system appeared in the early Middle Ages after the fall of the Roman Empire and although this was not the dominant system of landownership across England until the Norman Conquest, evidence of manors can be found before this. The earliest identifiable charter of a manor appears to be for the St Germans episcopal manor or 'mansae' in AD 936. The Domesday Book also lists manors pre-1086, which provides proof that manors were already in existence in some form prior to the Norman Conquest. Alongside this, Anglo-Saxon administration consisted of units known as hundreds and tithings. A tithing was a group of ten men and their households who took an oath of mutual responsibility for keeping order and peace, known as frankpledge. Ten tithings would make a hundred and local hundred courts were responsible for maintaining law and order and electing officials. After the Conquest, elements of this system combined with the Norman feudal system of holding land in return for service. It changed landownership across England and the manor as a legal entity was born.

A manor could differ in size and spread across more than one parish; a typical manor would have consisted of a manor house, accompanying village, demesne land (which was the land farmed on behalf of the lord / lady of the manor), and tenant land (which would have been held by copyhold or freehold). It may have had a church, mill, woodlands, ponds or streams, along with non-arable waste and common land.

Alongside manors, there were honours. An honour consisted of a group of manors and smaller non-court holding units usually called fees or fiefs. Not all manors were part of honours, but tenants of these manors were bound by the customs of the honour, in addition to the manor they lived upon. Honour courts were held by chief tenants and dealt with receiving the money raised by individual manors, appointing officers and occasionally smaller court issues. Honour courts fell into disuse after the 15th century and few existed beyond the Tudor period (1485-1603). Compared with manorial records, we hold very few honour records and we are unsure of all the possible honours connected to Cornish manors, but are aware that Cornish manors could be attached to honours in other parts of the country.

By comparison, boroughs could be viewed as ‘islands in manorial seas’ and their relationships with manors were often complicated. A borough could be defined as a town run by a corporation that gained special privileges by Royal Charter and sat independently of manorial control. They were not allowed to bring cases to manorial courts. However, a lord of the manor could have been granted a Royal Charter within a manor and although run separately, the accounts of the borough could be included within manorial accounts, which can often make it difficult to distinguish between the records of each. Boroughs could exist across multiple manors, or have been created within just one, for example, the borough of East Looe, created in 1237, sat within the manor of Pendrym.
Life on a Manor

Farming and agriculture occupied the lives of tenants, who worked the land they lived on, producing food for themselves, the lord and other tenants. In Cornwall, certain areas have the oldest examples of ancient field systems in the world still used for their original purposes. There is also evidence that different parts of Cornwall had different types of field systems, such as the smaller field plots in the west of Cornwall with predominantly bronze age boundaries, which differ to the more usual medieval settlements, with dwellings, strip fields and burgage plots in mid-Cornwall. Some manors contained larger open fields, sometimes known as gweals, which were divided into unfenced strips, with tenants farming various strips of land across the manor. Each field tended to have the same crop, with spring and autumn harvesting, and a manor would have consisted of multiple open fields for different crops, typically wheat and barley. Fallow fields were those that were left for a season to rest and usually held cattle during this period.

There were different types of tenants living on a manor. Free tenants tended to be wealthy and held their freehold land by military service or a rent that was usually low or just a token. Free tenants also held a suit of court and fealty to the lord of the manor, and were not subject to the customs of the manor. Customs were a series of rules and services essential to the smooth running of the manorial system, and were often recorded in documents known as custumals. Customs could differ greatly from manor to manor and also vary between groups of tenants within the same manor; in theory, no new customs came into being after 1189.

Villeins or serfs were unfree tenants, bound to the land and subject to the manor’s customs, and fined for breaking them. Villein land was owned by the lord but tenanted out, a little like tenancy agreements today. Unfree tenants would hold their land by paying a rent in money or produce, and/or providing the lord a service, for example, working the lord’s demesne land. Unfree tenants could not usually move away from the manor they lived on and were dependent on their land and lord. In return, lords offered security, safety and were just as dependent on their tenants for a regular income from their rents and services.

There were two main kinds of manorial courts, court baron and court leet (although sometimes a court leet was considered a type of court baron). The court baron was the main manorial court, usually held every three to four weeks, and it dealt with the administration of the manor, issues affecting the local community and justice for minor crimes. A court leet was usually held every six months, and it dealt with law and order, and usually included the ‘view of frankpledge’, a system of mutual responsibility for keeping the peace.

Tenants were required to attend court to pay rents and fines, this could include paying entry to the manor as a new tenant, transfer of property, fines for not attending court and a death duty known as a heriot. New tenants were admitted to a manor at court and at the same time, land could be surrendered back to the lord. Manorial officials, such as the Reeve, Viewers of Weights and Measures, Ale Tasters and Pinders, were elected at court on a yearly basis. These roles held great responsibility and were needed for the general management of a manor.

Copyhold

Copyhold developed from villein tenure after the Middle Ages, when the main role of a manorial court developed into a place to register the title to copyhold land. The majority of tenants living within a manor were customary tenants, who were subject to the manor’s customs, and customary land was often also
known as copyhold land. Copyhold land could be bought and sold, inherited, left in a will, mortgaged, or settled, but every transfer of land was surrendered back to the lord of the manor before admitting new tenants. The record of the transfer of land was written up in the manorial court rolls, and a copy was given to the tenant, which is where the term 'copyhold' comes from.

Rents and Customs

As there were different types of tenants living on a manor, there were also different types of rents and often the customs of the manor dictated how much the rents should be, and when and how they should be paid.

A conventionary rent was paid by a copyhold tenant who lived by the manor’s customs. Depending on the custom the rent could have been paid in money, service (for example, a number of days labour to farm the lord’s demesne land), capons or something similar – we have even found a payment in seagulls for a specific manor in Cornwall, though without any surviving leases or court rolls for the manor, we are unsure if this form of payment was customary, or used to offset rent or even an early form of seagull pest control.

High rents were often low or token rents paid by free tenants. Legally, these tenants were required to show they were paying a rent and were not gifted the land. Depending on the custom of the manor, items we have identified as token rents include peppercorns, a pair of white gloves, a single red rose, silk points and cumin. Although their rent was only a token, free tenants were still required to attend court.

Other interesting rents we have found include a yearly rent of a greyhound for a manor, an annual rent paid to the Duchy of Cornwall for the Isles of Scilly which consisted of 300 puffins, and a payment of rent with one cod fish, worth one shilling and four pence!

Along with rent customs, there were other rules which tenants lived by and differed per manor. There are too many different variations to list in this guide, but a common custom would have been for tenants to maintain their holdings, which could include a house, farm buildings, ditches and hedges - failure to do so could mean the loss of the holding.

The ancient feudal custom of best beast or heriot was the right of the lord of the manor to seize a tenant’s best beast on the tenant’s death. The custom began when the lord lent horses and armour to tenants who fought in battle for him, and the custom continued long after this need ended. Heriot payments ended in 1922, the same time that the Law of Property Act came into being.

An unusual manorial custom called ‘smoke silver’, a type of manorial hearth tax, in the form of a payment of 2d (2 pence) yearly per tenement from tenants, can be found on a small amount of manors in Cornwall. It was also quite unusual to find female Reeves of the manor within manorial documents, where it happens in Cornwall, we believe it might be due to customs of particular manors which allowed widows to take the role.

Duchy of Cornwall

The creation of the Duchy of Cornwall in 1337 brought with it seventeen manors from the Earldom of Cornwall, these later became known as assessionable manors. The manors were Calstock, Climsland, Helston in Kerrier, Helston in Trigg, Liskeard, Moresk, Penkneth, Penlyne, Penmayne, Restormal, Rillaton, Talskiddy, Tewington, Tingtagel, Tybesta and Tywarnhaile. The Duchy also received various other rights and
privileges, including profits from Stannaries, all ports and havens in Cornwall, fisheries, escheat, king’s writ, the right to appoint a high sheriff and the right to wreck.

Duchy manors had three types of tenants - conventionary tenants, villeins and free tenants. Conventionary tenants could be free or unfree, and had to attend assessionable court every seven years to renew their lease. At this point they could leave and take another plot of land. There was also no guarantee they could lease the same piece of land for the following seven years; this was dependant on whether the assession officers felt they were able to meet the payments. Compared with other Cornish manors, tenants on Duchy manors were required to pay an assession fine, to be paid over six years of their seven-year lease, and a yearly rental payment.

Villeins and free tenants were subject to similar rents and customs as other manors, except villeins were not subject to the assession courts or rent increases, but had to pay tallage, a form of land tax, which rose as demand for land did. Villein’s land was passed down ancestrally and once the last member of the family had died, that lease ceased to exist. By the 15th century, most villein tenancies had been transferred to conventionary leases. Like non-Duchy manors, tenants were subject to the various customs, fines and services of the manor they lived on. The most notable difference between free and unfree tenants was the payment on death of a tenant - free tenants paid a heriot of the best beast for each land holding the deceased tenant lived upon, whereas unfree tenants may have had to forfeit all their worldly goods to the lord.

The majority of records for Duchy manors are held at the Duchy of Cornwall Archive in London, or the National Archives. Kresen Kernow holds a small selection of records including maps and awards relating to the confirming and enfranchisement of the estates of the conventionary tenants of the ancient assessionable manors. These records were created between 1844-1847 to clarify the Duchy of Cornwall’s privileges in relation to the 1337 Charter, and consist of an award (schedule containing details of tenants and land type) and corresponding map.

Domesday Book

Created by order of William the Conqueror, the Domesday Book is a detailed survey and valuation of landed property in England in 1086. Nearly all land was divided into manors and the survey covered all of the country except London and Winchester; the manors listed are assumed to have existed in 1066. The book contains information on landowners, how the land was used, how much the land was worth and if land was taken out of one manor and added to another. Although it does not contain the individual names of those who lived upon the manor, the survey provides us with insight into Cornwall’s manorial system.

Each entry may include details of how many villeins, freemen and slaves lived on that manor. Also listed would be the numbers of different areas of land, such as the number of hides, which was the measurement of the area of land that could support a household, and the number of ploughs, which was the area of land that could be ploughed by a team of eight oxen in the farming year. Other details that were noted include any woods, meadows, pasture, mills or fisheries, along with the value of the manor.

In Cornwall, the King held the majority of land at the time of the Domesday survey, while other landowners were the Bishop of Exeter, Saints of other Churches and the Count of Mortain. There are around 320 Cornish place names listed in the survey. You can learn more about the Domesday Book and view
transcripts online here: Domesday Book - The National Archives, there is also a transcript of the Domesday Book for Cornwall in our library.

Land Ownership

Until 1290, new manors could be created when the Tenants in Chiefs alienated (sold or transferred) land by subinfeudation, which was the sub-letting to a new tenant, who then owed duties to the person who had alienated the land. A law known as Quia Emptores, was passed by Edward I, which made the creation of ‘new’ manors impossible - instead, land was alienated by substitution (paying the lord’s duties and receiving an alienation fee from a new tenant but without duties or service owed by the new tenant of that land). This was a way of controlling land ownership disputes.

However, new manors could come into being through division. Until the Land Transfer Act 1897, it was the custom under English common law that if a lord died without sons, his daughters took his property as coheiresses, known as co-parceners, if they were spinsters. Married women were not legally entitled to inherit property, so the share of inheritance for a married daughter would automatically pass to her husband. If any daughter remained a spinster, her share would pass to her surviving sisters when she died. If two or more surviving sisters were married, their husbands could insist on the manor being divided, however, this did not necessarily allow for a division of a manor, as manors tended to be viewed as a whole thing. They could be divided if manor courts were held alternatively or a greater part allotted to one, but the lordship itself could not be divided. To read more about the role of coheiresses, please see: What is a coheiress? Manors, moieties and English inheritance law - The National Archives blog.

Occasionally, manorial customary law, instead of English common law, would determine who inherited the manor. The Parliamentary Survey of Duchy Manors taken during the Commonwealth period (1649-60), reveals a type of customary inheritance used in some Duchy manors. Contrary to English common law, in Duchy manors and a few other manors, a tenement or holding was not divided between coheiresses, but inherited solely by the eldest daughter, this is known as primogeniture of the female line.

A manor could be dissolved and lose its manorial status due to a lack of court, tenants, services or demesne land; these manors are known as reputed manors. After the Law of Property Act, nearly all manors would be reputed and there are very few legal manors existing today. There were also instances where a barton may have been perceived as a manor, as it held various manorial rights, but bartons never held a court and were therefore, never a manor. If you are interested in the historical landownership of a manor, we are currently adding the history of each Cornish manor to our online catalogue. If you are unable to locate any information by searching the manor’s name, please see our recommended reads at the end of the guide and get in touch if you need further help.

Manorial Rights

Manorial rights were the entitlements that lords of the manor held over land. These included the right to hold markets and fairs, sporting rights, such as hunting, mineral and timber rights, and even the right to seize a tenant’s property if they could not pay their rent.

Mineral Rights

Perhaps one of the most important rights in Cornwall was the right to minerals, which are still as significant today as they were in the past. For tenants living on copyhold land, the lord had the right to minerals under
the surface; if this land was still classed as copyhold before the Law of Property Act 1922, the right to the minerals was usually retained by the lord of the manor upon enfranchisement, unless there was a local custom or special agreement that stated otherwise.

Tenants could work the land above the surface, but it was the lord of the manor who held the rights to the underground unless there was a special custom. The lord could prevent the tenant from digging the ground, but he (or she) could not cause damage in search for minerals on the tenant’s land without fair compensation; the tenant in turn might have had the right to refuse the lord access to the surface or impose certain conditions.

Rights to mines and minerals were considered to be ‘overriding interests’ and could therefore even affect freehold land that was not subject to manorial customs in the same way as copyhold land. Mineral rights could be bought and sold entirely separately to freeholds; a free owner of the surface might still not own the mines or minerals beneath them. Many large Cornish estates originating from medieval manors were sold in the early 20th century to new freeholders for the first time (due to changes in land tax laws), whilst reserving their mineral rights to their original lords/ladies. Our archives hold many historic auction catalogues that can be used to identify who might still own minerals beneath your property today. Since 2002, rights to mines and minerals that derive from historic manorial titles are no longer considered overriding interests and are registered for protection. To read more about how manors and mining are related, please see: Manors, Mining and the G7 - The National Archives blog.

**Right of Wreck**

The right to wreck was one of the oldest manorial royalties granted by the crown to lords of coastal manors and hundreds. It would have entitled landowners to the whole, or a combination, of four types of wreck: flotsam, where the ship has been broken up and goods are floating ashore; jetsam, where the ship is in danger of sinking and the goods are thrown into the sea; ligan, where goods are thrown from ship with a buoy to mark their spot, and indicate that they are not abandoned (however, if the owner does not return they are classed as wreck), and derelict, where the ship comes to land or sinks.

All hundreds in Cornwall had belonged to the Duchy, except the Hundred of Penwith, which was granted to the Arundells of Lanherne. Their manor of Connerton sat within this. Other manorial lords also held manors within this hundred and this often caused disagreements over who held the right to goods washed ashore. Wreck items washed ashore were often collected by tenants, who would present them in court and receive half the value of the items - this would have been quite an incentive for tenants to storm the beaches. Details of the various items washed ashore can provide us with an insight into historical economy and trade, some of the items include elephants’ tusks, rum, wine, butter, sugar, chocolate, indigo and china. Two sobering aspects of the right of wreck are marine strandings, which are often recorded in manorial presentments and the burial of bodies washed ashore from a wreck. It was the lord of the manor’s responsibility to make sure the bodies were buried and before the 1808 Burial of Drowned Persons Act, bodies were buried near to where they were found. After the Act was passed, bodies were laid to rest on consecrated ground. To learn more on the manorial right of wreck franchise, please see: The Right of Wreck - The National Archives blog.
Timber

Timber, a valuable manorial right, was abolished by the Law of Property Act 1922 but before this, the lord of the manor held the right to timber growing on copyhold land. This right meant his or her tenants could not cut down trees on their land, even if it was for their use, they had to apply to the lord to do so. The lord of the manor, in return, had no power to plant trees on tenants’ land, and if a sapling began to grow from a seed, it was not in the tenants’ best interests to let it grow as they would be unable to expand their land until the tree was large enough to fell. Saplings tended to disappear quickly before they were large enough to be of notice, leaving many areas void of trees as old ones were not replaced. It was not until the enclosure of land in the 18th century that trees began to reappear.

Harbours, Rivers and Estuaries

Lords holding coastal manors and those with rivers and estuaries collected profits from harbour franchises, examples of these include anchorage, a toll for mooring a vessel, and bushellage, which was the payment for each bushel of corn landed. There were also charges for loading items on to vessels, using the quay, taking on a ballast and for hiring a pilot.

Deodand

A deodand is an item which was deemed by a coroner’s jury to have caused the death of a person; the item was then forfeited and became property of the crown. In some instances, the crown granted the rights to deodand to manorial lords and other cooperations. Two examples of deodand within our manorial court records, include a tenant being trampled by a horse and another tenant being struck by tongs, both the horse and tongs were in theory forfeit of deodand. Instead of confiscating the items to sell, owners were usually expected to pay the value of the item, which was then meant to be used for virtuous causes, for example, given to charity or to the victim’s family, however, payment often found its way into lords’ accounts. From the Latin phrase ‘deo dandum’, meaning ‘to be given to God’, the term deodand can be traced from the 11th century and this ancient right was in existence until it was abolished by the Deodands Act of 1846.

Common Land

The lord of the manor held the right of the common, and much of the common land that survives today was known as common or manorial waste. In Cornwall, these areas were known as ‘goons’ or ‘hals’, which roughly translates to mean rough ground or moorland. It was the open, uncultivated and unimproved lands of a manor, suitable only for rough grazing and other non-agrarian activity. It is a popular misconception that common land is owned by the general public, to which everyone has unrestricted right of access. All common land is private property, whether owned by an individual or a corporation. Today, many commons are owned by local authorities, the National Trust and other bodies for the public benefit, and are designated as open access under the Countryside Rights of Way Act 2000, but not all commons offer total access to all comers. Common land is subject to rights and those entitled to exercise these rights were called commoners. Historical rights of common included of pasture - the right to graze livestock; of estovers - the right to cut and take wood (not timber); of turbary - the right to dig turf or peat for fuel; in the soil - the right to take sand, gravel, stone, coal and other minerals and of piscary - the right to take fish from ponds and streams. Today, these rights include access to light, air and recreation.
Information Classification: PUBLIC

Notable Dates in Manorial History

The Black Death in 1348 reduced the population, resulting in less demand for land, so manorial lords had to seek out tenants to work their lands. Potential tenants, for once, had the option to choose which manor to live on, which lord to serve and to demand higher wages. This, and the introduction of a poll tax to help finance the Hundred Years War, aided the discontent which brought about the Peasants Revolt of 1381. The revolt saw the destruction of many customals, documents which held details of the customs tenants had to live by and the service they had to give the lord.

The Church had been one of the greatest landholders but during the Dissolution of Monasteries, c1536-1541, Henry VIII expropriated and sold or transferred most of the monastery lands. As a result, records were destroyed or lost, and a new batch of lords were created, which means many manorial titles cannot be traced back further than the 16th century.

James I and Charles I continued to raise money by exploiting feudal dues and requesting payments from lords for becoming knights, and also demanding payment for lords refusing to be come one. Other payments included payment for inheriting manors, young lords coming of age, marriage of the lord’s eldest daughter and many more.

During the Commonwealth period, Parliament created the Sequestration Committee which confiscated the estates of Royalists who fought against Parliament, and the Committee for Compounding with Delinquents, which allowed Royalists whose estates had been sequestrated to compound (pay a fine, usually three times the net income of the estate) to recover lands. They were also forced to take an oath to support Parliament - failure to do so could have resulted in the loss of their estates. Duchy estates were surveyed by parliamentary commissioners and subsequently sold, but were later recovered at the Restoration, when other lands were also returned to their pre-war owners.

Changes in the Manorial System

The manorial system saw gradual changes which slowly brought abouts its end. There was not one particular element, both land and social changes played a part. The first steps of its decline can be seen as early as the 11th century, but in areas where farming was dominant it survived the longest. By the late 13th century, when technically no new manors could be created, further agricultural developments were changing the way land was being used.

The growth of cities and towns created markets for selling produce, providing tenants with money. Lords, seeing the benefit of this, allowed tenants to pay their services to them in money and buy their freedom. Free tenants who paid rent or received wages for farming were more efficient and reliable, thus creating a simpler economic system between the rent paying tenant and the lord, which benefited both.

The manorial administrative system continued long after the medieval period until the early 20th century. The 18th and 19th centuries witnessed a number of great social, agricultural, legal and economic changes and although manors and lords of the manor still existed, land tended to be organised by estates. Courts were held with the purpose of recording copyhold land transfer although many tenants during this time sought to convert their copyhold tenancies to free holds, through a process known as enfranchisement.

Inclosure, the legal process of enclosing or fencing-off areas of land for improvement from previously unenclosed rough ground, was one of these changes. Once this process was completed, the land was restricted to those allowed to farm it. Inclosures were taking place long before the Inclosure Act 1773, but
while the Act did take away the right of land for common use, the Law of Property Act 1925 made it illegal to inclose common land without consent. The Law of Property Act also ended the last meaningful function of manorial courts through the abolition of copyhold and converting the tenancy into freeholds. For further information about the historical and legislative background of the manorial system see our recommended reads.

Manorial documents were created in the administration of a manor and surviving documents at Kresen Kernow date from the 12th to the 20th century. It is the need for proof of title to copyhold land that protects manorial documents by law today. The records were placed under the protection of the Master of the Rolls in 1924, who then issued the first Manorial Documents Rules in 1926. At the same time, he ordered a register to be kept recording the individual nature, ownership and location of the documents, this was the original Manorial Documents Register. You can read more about the background to the Manorial Documents Register here: Historical and legislative background of the Manorial Documents Register - Archives sector (nationalarchives.gov.uk).

To learn more about the different types of manorial documents, the information they hold, and how to search the newly updated Manorial Documents Register, read our guide to ‘Finding and Using Manorial Documents’ next.

Further Reading

Rural Economy and Society in the Duchy of Cornwall 1300-1500 by John Hatcher, 1970
Manorial Law by AW & C Barsby, 1996
The Law of the Manor by Christopher Jessel, 1998
The English Manor by Mark Bailey, 2002
Manorial Records by PDA Harvey, 1999
Della Hooke Pre-Conquest Charter-Bounds of Devon and Cornwall, 1994
The Cornish Lands of the Arundells of Lanherne, Fourteenth to Sixteenth Centuries by Fox and Padel, 2000

[i] Manors and Manorial Documents After 1500 by Mark Forrest and Helen Watt, 2022