

THE UNIVERSITY OF HULL

**Copyhold Tenure and its Survival in Holderness, in the East Riding of
Yorkshire from c.1750 to 1925.**

Being a Thesis submitted for the Degree of

Doctor of Philosophy

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by

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CONTENTS

	Pages
Acknowledgements	1 – 2
Abbreviations	3 – 4
Introduction	5 – 10
Notes and references	11 – 12
Chapter one	
Manorial Land Tenure and the Copyholder	13 – 19
Notes and references	20 – 25
Chapter two	
A Copyholder	26 – 42
Appendix 1	43 – 47
Notes and references	48 – 50
Chapter three	
The Manors of Holderness	51 – 61
Appendix 1	62 – 63
Appendix 2	64
Illustrations: Figure 1 and 2	65 – 66
Notes and references	67 – 69
Chapter four	
Manor courts, officers, customs and procedures	
Manor courts	70 – 76
Manor court officials	77 – 88
Customs of the manor	88 – 90
Procedures	90 – 99
Appendix 1	100
Illustrations: Figures 1, 2, 3 and 4	101 – 104
Notes and references	105 – 113
Chapter five	
Evidence of Copyholds in Holderness from 1750	
Methodology	114 – 116
Southern Division:	
Burstwick and Skeckling	117 – 121
Ryhill and Camerton	121
Easington	121 – 128
Dimlington	128 – 130
Out Newton	130
Halsham	131
Hollym and Withernsea	131 – 133

Holmpton	134 – 135
Keyingham	135 – 138
Kilnsea	138 – 141
Ottringham	142
Owthorne	143 – 147
Patrington	147 – 149
Paull	149 – 150
Skeffling	150 – 152
Sunk Island	152
Welwick and Weeton	153 – 155
Winestead	155 – 156
South Holderness analysis	156 – 160
Middle Division:	
Aldbrough	161
Bewick, Carlton, Etherdwick, Fosham and Tansterne	161 – 162
East and West Newton	162
Burton Pidsea	162 – 164
Drypool	164
Garton	164 – 165
Hedon	165
Hilston	166
Humbleton	166
Danthorpe	166
Fitling	166 – 167
Flinton	167
Elstronwick	167 – 169
Marfleet	169 – 170
Owstwick	170
Preston	170 – 172
Lelley	172 – 173
Roos	173 – 174
Sproatley	174 – 176
Sutton-on-Hull	176
Swine	176 – 177
Tunstall	177 – 178
Wawne	178 – 179
Middle Holderness analysis	179 – 182
North Division:	
Atwick	183
Barmston	183 – 184
Beeford	184 – 187
Lissett and Dunnington	187 – 188
Brandesburton and Moor Town	188 – 189
Catwick	189 – 190
North Frodingham	190 – 191
Goxhill	191
Hornsea	192 – 193
Leven	193 – 195

Holmpton	134 – 135
Keyingham	135 – 138
Kilnsea	138 – 141
Ottringham	142
Owthorne	143 – 147
Patrington	147 – 149
Paul	149 – 150
Skeffling	150 – 152
Sunk Island	152
Welwick and Weeton	153 – 155
Winestead	155 – 156
South Holderness analysis	156 – 160
Middle Division:	
Aldborough	161
Bewick, Carlton, Etherdwick, Fosham and Tansterne	161 – 162
East and West Newton	162
Burton Pidsea	162 – 164
Drypool	164
Garton	164 – 165
Hedon	165
Hilston	166
Humbleton	166
Danthorpe	166
Fitling	166 – 167
Flinton	167
Elstronwick	167 – 169
Marfleet	169 – 170
Owstwick	170
Preston	170 – 172
Lelley	172 – 173
Roos	173 – 174
Sproatley	174 – 176
Sutton-on-Hull	176
Swine	176 – 177
Tunstall	177 – 178
Wawne	178 – 179
Middle Holderness analysis	179 – 182
North Division:	
Atwick	183
Barmston	183 – 184
Beeford	184 – 187
Lissett and Dunnington	187 – 188
Brandesburton and Moor Town	188 – 189
Catwick	189 – 190
North Frodingham	190 – 191
Goxhill	191
Hornsea	192 – 193
Leven	193 – 195

Long Riston	195
Mappleton, Rowleston and Great Cowden	195 – 196
Nunkeeling and Bewholme	196
Rise	196
Routh	196
Sigglesothorne, Catfoss, Great and Little Hatfield, Seaton with Wassand	196 – 197
Skipsea, Dringhoe, Upton and Skipsea Brough	197 – 200
Tickton, Weel and Eske	200 – 203
Ulrome	203 – 204
Withernwick	204
North Holderness analysis	205 – 208
Analysis of Holderness wapentake	208 – 211
Appendix 1: Pre-enclosure maps of Holderness, figures 1-27.	212 – 238
Illustration: Figure 28	239
Notes and references	240 – 261
Chapter six	
The End of Copyholds	
Introduction	262 – 266
Voluntary enfranchisements under common law 1774-1841.	267 – 273
Enfranchisement by the Copyhold Acts	273 – 288
The period of Compensation Agreements 1926-35	288 – 289
Methodology	289 – 291
The extinguishment of copyholds in the former open fields of Holderness	291 – 305
Old enclosure	305 – 335
Prologue	335 – 341
Appendices 1-6	342 – 353
Notes and references	354 – 361
Chapter seven	
Conclusions	362 – 385
Appendices 1-2	386 – 389
Notes and references	390 – 393
Glossary	394 – 404
Bibliography	405 – 418

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ABBREVIATIONS

- Adkin : B.W. Adkin, *Copyhold and other Land Tenures of England*, 1907.
- BL : The British Library, Euston Road, London.
- BIHR : Borthwick Institute of Historical Research, University of York, at York.
- BPP : British Parliamentary Papers.
- Coke : Sir E. Coke, *The Complete Copyholder*, edition 1668.
- Cuddon : J.Cuddon, *A Succinct Treatise on the Copyhold Acts*, 1865.
- English : B. English, *The Lords of Holderness 1086 – 1260*, 1991.
- ERRAS : The East Riding of Yorkshire Records and Archive Service, Beverley.
- EYLHS : East Yorkshire Local History Society, series of booklets.
- HCRL : Hull Central Reference Library, Albion Street, Hull.
- HCRO : Hull City Record Office, Lowgate, Hull.
- HUL : The Archives, Brynmor Jones Library, University of Hull.
- L.Soc. : The Law Society Library, Chancery Lane, London.
- MAF : Ministry of Agriculture and Fisheries.
- Neave : V. Neave, *Handlist of East Riding Enclosure Awards*, 1971.
- O.S. : Ordnance Survey.
- Poulson : G. Poulson, *The History and Antiquities of the Seigniorship of Holderness*, Vols.I & II, 1840-41.
- PRO : Public Record Office, Kew.
- RDB : Registry of Deeds, Beverley.
- S. & W. : J.J. Sheahan and T. Whellan, *History and Topography of the City of York; The Ainsty Wapentake and the East Riding of Yorkshire*, Vol. II, 1856.
- VCH I : *The Victoria History of the Counties of England: A History of the County of York East Riding*, K.J. Allison (ed.) Vol. I, *The City of Kingston upon Hull*, 1969.

VCH V : *A History of the County of York East Riding*, K.J. Allison (ed.) Vol. V,

Holderness: Southern Part, 1984.

VCH VI : *A History of the County of York East Riding*, K.J. Allison (ed.) Vol. VI, *The*

Borough and Liberties of Beverley, 1989.

VCH VII : *A History of the County of York East Riding*, G.H.R. Kent (ed.) Vol. VII,

Holderness: Northern and Middle Parts, 2002.

Note regarding footnotes: Apart from the abbreviations noted above, in the sections Notes and References, which follow at the end of each chapter, a shorthand method has been employed. First reference to published works cited include full initials, surname, title and date of publication. Second and subsequent citations include surname and short title only. Full citations, including place of publication, appear in the collected bibliography at the end of the thesis.

INTRODUCTION

The aim of this thesis is two-fold: first to trace and quantify the persistence of an ancient tenure, namely copyhold, in the Holderness area of East Yorkshire from the mid-eighteenth century; and second to plot its subsequent rate of extinction down to the legal end of the tenure in 1925. ¹

Some agricultural historians, for example G.E. Mingay, have tended to create an element of confusion by including copyholders within a general description of rural persons such as yeomen, husbandmen, freeholders, leaseholders and peasants, even to the extent of equating copyholders with small farmers. ² More recently R.C. Allen asserted that yeomen farmers, 'held their lands by copyholds of inheritance, copyholds for life and beneficial leases'. ³ Whilst acknowledging that the majority of resident copyhold, owner-occupiers of Holderness were described in primary sources as 'yeomen' (see chapter 2), this thesis points out that the term 'copyholder' embraced a wide spectrum of landowners, male and female, resident and non-resident, emanating from many different walks of life and occupations.

When Allen included copyholders in his single term, 'yeomen', he also gave a clear indication of their fate, expressing the view that, 'there is no question that the class had essentially disappeared from English agriculture by the late eighteenth century'. ⁴ This uncompromising statement provides a precise focus for this study of Holderness copyhold tenure. The questions to be answered here, are firstly, to what extent did copyholds survive into the mid-eighteenth century in this area of East Yorkshire, and secondly, to what extent did they continue to survive thereafter?

Few academic works have identified the tenurial distribution of land in the eighteenth century on the scale attempted here ⁵ and there are none for East Yorkshire. In her study of East Yorkshire enclosures, J.E. Crowther did include an extensive analysis of landownership which was achieved by a study of enclosure awards. ⁶ However, her study was restricted to

the categorisation of landownership by (i) allotment sizes and (ii) social and economic groupings, but she avoided the question of tenure. This thesis returns to those enclosure awards, supported by a variety of manorial sources, in order to distil and isolate the specific presence of copyholds, and hence avoids falling into the trap of employing general terminology such as ‘yeomen’ or ‘small farmers’.⁷

The most important outcome of this thesis is a quantitative analysis of the survival of copyhold tenure in Holderness from c.1750 to 1925. The starting date is partly dictated by the advent of parliamentary enclosure,⁸ and partly by the availability of copyhold records such as court rolls, books, rentals, accounts, enfranchisements and other related primary source material in local and national archives. The terminal date is determined by the passing of the 1922 Law of Property Act⁹ which extinguished copyhold tenure from 1 January 1926, converting all copyholds into freeholds. This process took over a decade to complete.

Chapters 1-4 set the scene in terms of identifying the copyholders in Holderness, and of exploring their rights and the processes that bound them to the manorial system of which they were a part. The core of the thesis and the answers to the questions posed above are found in chapters 5 and 6. In chapter 5 an assessment will be made of the extent of the copyhold and freehold acreages existing in Holderness, at each enclosure. In making this assessment, help is forthcoming in that parliamentary enclosure acts invariably included a section which instructed the appointed commissioners to maintain existing land tenures when making their awards. Hence in the words of the 1802 Enclosure Act for Keyingham,

‘And be it further Enacted, That all such of the said Proprietors as are Copyholder Tenants of the said Manor of Burstwick, shall continue to be tenants thereof, for Lands of equal Value with those to which they now stand admitted or are entitled, as near as the same can be adjudged and determined by said commissioners; and such Lands, when allotted shall be holden of the said Manor, under such Rents, Tenures, Payments, Customs and Services, as are now due and payable for their present Copyhold Lands;’¹⁰

From the allotments made in the enclosure awards, an inventory can be assembled of the acreages of each type of land tenure, copyhold, freehold and leasehold, existing in Holderness in each of the 47 parliamentary enclosure awards, and also for a further eight which were enclosed by non-parliamentary means. Finally, in addition to quantifying the area held by each freeholder and customary tenant, the names of the copyhold allottees, their occupations or status and their places of residence are usually quoted enabling more light to be shed on the identity and nature of Holderness copyholders. Chapter 5 also includes an attempt to quantify the extent of all the copyholds which existed in the eighteenth century within the old enclosures and village garths of Holderness. This aspect of the study could not be researched through the enclosure award sources as with the former open fields, meadow and pasture lands, but was achieved by reference to a variety of primary sources such as manor court rolls, estate papers, enfranchisement documentation, enclosure maps, tithe lists and wherever possible the few remaining schedules for village old enclosures.

Chapter 6 then proceeds to explore the elimination of copyhold tenure over the period in question. This involved tracking down the progress of enfranchisement of copyhold estates in the various manors of Holderness, enfranchisement here meaning the conversion of copyhold to freehold tenure. Until 1841, this could be effected by a voluntary agreement made between a manorial lord and his tenant, but in 1841 a government agency was set up with the intention of working towards the elimination of copyholds. This body was known as the Copyhold Commission and acted as an intermediary between the two manorial parties to facilitate the process. The Commission continued until 1882 when it was incorporated into the Land Commission, and then finally in 1894, the Board of Agriculture took over responsibility for overseeing enfranchisements.¹¹

At the outset in 1841, enfranchisements continued to take place on a voluntary basis, but in 1852 an act of parliament was passed whereby either the landlord, or the tenant, could apply

for compulsory powers of enfranchisement.¹² To date, the final extinction of copyhold tenure through the actions of the Copyhold and Land Commissions, and the Board of Agriculture, from 1841 to 1925, has never been analysed beyond the annual summaries of copyhold enfranchisements in British Parliamentary Papers.¹³ A summary of East Riding enfranchisements in the context of all county enfranchisements is given in chapter 6. Unfortunately, the enfranchisement summaries in the parliamentary records do not record acreages, hence to achieve a quantitative analysis of disappearing copyholds between 1841 and 1925, it was necessary to work on the original enfranchisement documents which are held in the PRO at Kew.¹⁴ It is also believed that this is the first analysis, on anything other than a small scale, of the original enfranchisement documents held in the PRO.

Supporting enfranchisement information was obtained from the Registry of Deeds at Beverley. This arises because all freehold transactions, such as transfers from copyhold into freehold, had to be registered in accordance with a 1707 act of parliament.¹⁵ Enfranchisements which took place between 1852 and 1925 by agreement between the lord and the copyholder under common law, were also recorded in the court books of the relevant manor.

By the mid-nineteenth century, the manorial landlords of Holderness, could no longer be described as large and wealthy, or even firmly intent on buying out their copyhold tenants to increase their estates as Allen suggests.¹⁶ One of the largest landowners in Holderness was the Constable family of Burton Constable. Of them it was said,

‘Few took so little interest in the lands on which they lived and over which they rode and shot as the Constables of Burton Constable, (Sir T.A. Clifford Constable, 1806–70, and his son Sir Frederick, 1828–94). According to Sir Clifford’s uncle, who was his (Sir T.A.C. Constable) first agent, he never listened to business, never answered letters and was interested only in sport and the money his rents produced. Later in life, faced with financial difficulties, he made sporadic attempts to control his agents by querying every out payment in the accounts, but he did not understand matters enough to plug the leaks, and his agents continued to deceive him.’¹⁷

In this case, the agents referred to were various members of the Iveson family. The Ivesons, solicitors based at Hedon, looked after the Constable affairs as stewards, solicitors and agents from 1766 until 1862 when the last Iveson was dismissed.¹⁸ As understewards or stewards at the Constable manorial courts, they gained a substantial income from their work. They, therefore had a strong vested interest in the continuation of copyholds in Holderness and their involvement, and financial motives for maintaining the manorial courts, will be commented upon in the concluding chapter. Even when enfranchisement finally occurred, the court stewards or understewards did not go empty handed. The 1894 Copyhold Act laid out a scale of compensation for loss of office which ranged from five shillings for enfranchisement considerations worth less than £1, to £7 for considerations on copyhold estates worth between £50 and £100.¹⁹ These rates were increased by the Law of Property Act 1922,²⁰ and when Col. R.C.J. Chichester-Constable closed his Register of Copyholds and Compensation in 1938, he wrote that his steward of the day (Stamp, Jackson & Sons of Hull) had received the total sum of £2,340: 7s: 10d. in payment on the final Compensation Agreements from former copyhold tenants of the Constable manors of Holderness.²¹

Summary

The aim of this thesis, therefore, is to explore the extent of an antiquated type of tenure, namely copyhold, in a specific area, and to plot its survival through c.175 years until its legal extinction in 1925. This is an examination of land and property held directly of the manor by customary tenants, who either resided in their messuages or cottages, or sub-let their holdings to others, or who farmed land themselves. These copyhold farmers constituted a part of a class which it is generally agreed had largely disappeared by the end of the eighteenth century. This thesis will show that copyholds not only survived, but apparently survived in appreciable acreages in Holderness, into the twentieth century. This was copyhold of inheritance, and if the tenure did not enjoy quite the same status 'de jure' as land or property

held in fee simple, it was 'de facto' virtually equivalent to freehold tenure. Coupled with other advantages, perhaps specific to Holderness, for example, the absence of heriots, small entry fines for copyhold free estates and low annual quit rents, the incentive to enfranchise did not appear to be uppermost in the minds of the customary tenants of Holderness.

NOTES AND REFERENCES

To the Introduction

1. Copyholds were brought to an end as a result of the passing of the Law of Property Act, 12 & 13 Geo.V c.16, 1922.
2. G.E. Mingay, *Enclosure and the Small Farmer in the Age of the Industrial Revolution*, 1968, comparing pp.10-12 with pp.28-29.
3. R.C. Allen, *Enclosure and the Yeoman*, 1992, pp.14-15.
4. *Ibid.*, p.79.
5. Two known exceptions are M.E. Turner and J.V. Beckett, 'The Lingering Survival of Ancient Tenures in English Agriculture in the 19th century', in F. Galassi, K. Kauffman and J. Liebowitz (eds), *Land, Labour and Tenure: The Institutional Arrangements of Conflict and Co-operation in Comparative Prospective* (Proceedings B2, XIIth International Economic History Congress, Madrid, Spain, August, 1998); and M.E. Turner, 'Enclosures re-opened', *ReFresh*, No.26, 1998.
6. J.E. Crowther, 'Parliamentary Enclosures in Eastern Yorkshire, 1725-1860'. A thesis submitted for the Degree of Doctor of Philosophy, University of Hull, September 1983. And for other literature on East Yorkshire enclosures see K.J. Allison, *The East Riding of Yorkshire Landscape*, 1976; B. English, *Yorkshire Enclosure Awards*, Dept. of Adult Education, Studies in Regional and Local History No.5, University of Hull, 1985; J.E. Crowther, *Enclosure Commissioners and Surveyors of the East Riding*, EYLHS No.40, 1986; V. Neave, *Handlist of East Riding Enclosure Awards*, Beverley, 1971; W.E. Tate & M.E. Turner, *Domesday of Enclosures*, University of Reading, 1978; O. Wilkinson, *The Agricultural Revolution in the East Riding of Yorkshire*, EYLHS No.5, 1956. And the study of manorial copyholders in the period c.1750-1925 opens up a new field in the analysis of landownership in the East Riding of Yorkshire, which otherwise has tended to concentrate on the estates of the most important. In this regard see: A.M.W. Stirling, *The Hothams*, 1918; J. Miller, *The Lords of Winestead*, 1932; J.T. Ward, *East Yorkshire Landed Estates in the Nineteenth Century*, 1967; P. Roebuck, *Yorkshire Baronets, 1640-1760*, 1980, B. English, *Great Landowners of East Yorkshire*, reprinted 2000.
7. In strict legal terminology, the title, 'yeoman', applied to a freeholder. (See R.H. Tawney, *The Agrarian Problem in the Sixteenth Century*, 1912, p.27) but in a number of Holderness enclosure awards, analysis shows that over 50% of the resident, male copyholders were described as 'yeomen'. (See chapter 2).
8. The first parliamentary enclosure act for Holderness was Catwick in 1731.
9. The Law of Property Act 1922, 12 & 13 Geo.V c.16.
10. An Act for Dividing, Allotting, and Inclosing the Open Arable Fields, Meadow and Pasture Grounds, within the Township and Parish of Keyingham in Holderness, in the East Riding of the County of York, and for making Compensation for the Tythes thereof, and also for the Tythes of certain ancient inclosed Lands, within the said Township and Parish. 42 Geo.III, 1802.

11. Copyhold Act 1841, 4 & 5 Vict. c.35; Copyhold Act 1894, 57 & 58 Vict. c.46.
12. The Copyhold Act 1852, 15 & 16 Vict. c.51.
13. For which see Turner and Beckett, 'The Lingerin Survival', pp.107-08.
14. M. Ellis, *Using Manorial Records*, PRO Readers' Guide No.6, 1994, states:
'The deeds (for voluntary arrangements) and the awards (for compulsory enfranchisement) for 1841-1925 are held by the PRO in the class MAF 9. They are arranged by county, manor, date and tenant's name and include evidences of title supplied by manorial lords from 1900. Evidence of title supplied from 1840 to 1900 will be found in MAF 20 listed alphabetically by manor'.
15. Act of Parliament 1707, 6 Anne c.62.
16. Allen, *Enclosure and the Yeoman*, pp.14-15 and p.78.
17. B. English, 'Patterns in Estate Management in East Yorkshire c.1840-c.1880', *The Agricultural History Review*, Vol.32, 1984, Part1, p.41.
18. On the death of Henry Waterland in 1766, William Iveson (1729-87) became William Constable's solicitor and understeward. After Iveson's death, his son, also called William (1764-1843), took over the work in 1789. Later in 1806, William gained an additional appointment as the Constable's agent, a position he held until 1841 when he passed over the responsibility to his son Arthur (1806-81). Arthur kept the post until 1862 when he was replaced briefly by a Malton solicitor Robert Wyse. (See ERRAS DDCC 133/30). By 1871, the stewardship had changed hands again, this time to Bryan Jackson, a Hull based solicitor.
19. The Copyhold Act 1894 (57 & 58 Vict. c.46), for which see Halsbury's *Statutes of England*, third edition. Vol.7 1969, p.74. These scales are also listed in Adkin, p.206.
20. The Law of Property Act 1922 12 &13 Geo.V c.16, for which see Halsbury's *Statutes* p.117.
21. 'Register of Copyholds and Compensation', 1925, held by the Burton Constable Foundation at Burton Constable Hall, Sproatley.

CHAPTER 1
MANORIAL LAND TENURE
AND THE COPYHOLDER

Most legal textbooks take the familiar year of 1066 as their starting point in order to explain the history of land tenure in its various forms.¹ After the Conquest, the King claimed absolute ownership of all the land in England. Some land he retained for his own use and other parts he parcelled out to his supporters. These lords held their land in return for swearing allegiance to the King and providing men and arms for military service. Those holding land directly from the King, about 200 in number, were called his tenants-in-chief and their names appeared in the Domesday survey of 1086. In turn, the tenants-in-chief parcelled out sections of their land to their own supporters. These lesser men, known as mesne lords, became the lords of the manor,² controlling their mesne tenants who worked the land or who were engaged in various craft pursuits. This practice of granting land in return for allegiance and service became known as the feudal system, taking its name from the Latin word *feodum*, or *feudum*, meaning fief or fee.

Land within a manor typically included open arable fields, pastures, meadow grounds, commons, woods and waste areas. The open-field system with its strips of arable land, parcels of meadow, pasture and rights of common requires no explanation here, but they were farmed by both freemen and villeins. In Norman times, the freemen of the manor were said to hold their land either by knight's service or in socage.³ This last category performed purely agricultural services, but in addition to carrying out a fixed, annual service on the lord's demesne, they were required to swear fealty to the lord, attend his courts and make a payment, usually known as a relief, when an heir took possession.⁴

The lord of the manor might also sell strips of his demesne to a freeman, or make a fee farm grant whereby the land passed to the freeman in return for a fixed annual payment, described as a perpetual rent charge.⁵ In both these cases, the freeholder technically held his land directly from the Crown, in fee simple, but was still subject to the communal programme of husbandry of the manor, attended the lord's court and shared the rights of common and rights of average in the open fields with the villeins. As the name suggests, however, the freeholder maintained a fair degree of independence from the control of the lord of the manor, with his services being fixed, or 'certain'.

In contrast, the villeins held their strips 'at the will of the lord', and were required to work on the lord's demesne in a regime of 'uncertain' service. The tenure to the strips they farmed was described as 'base' and they could be evicted from their land if the lord wanted to grant the land to another person. In addition to being required to work two or three days on the lord's land each week, the villein's station in life was servile in the extreme. He was not allowed to leave the manor without permission from the lord, and the marriage of his daughter also required the lord's sanction. Even so, there was another layer still lower in the feudal hierarchy. The bordar⁶ held no strips in the open fields, but laboured there for the lord or freemen. His cottage in the village was usually held 'at the will of the lord', paying a small yearly rent but in compensation the bordar would have a small croft adjoining his cottage where some produce could be grown, and he enjoyed rights on the common where he could gather fuel for his fire, materials to repair his cottage and space to tether the odd cow, or keep a sheep or pig.

Kerridge has described the manor as the basic unit of feudal landownership.⁷ It was also a complete unit of administration. Within the manor, the yearly programme of husbandry was agreed communally and if the lord of the manor demanded, and received, services and rents from his tenants, they in turn looked to the lord for protection and justice which was

dispensed in the manorial court. It has been said that without a manor court, there was no manor.⁸ The settlement of disputes and the policing of manorial proceedings by officers appointed at the variously named courts, became the essential medium of manorial control.⁹ Over time, custom became the guiding rule as to the functioning of the manor court, and in matters of daily business, and infractions of a minor nature, this court took the place of the King's sheriff court. In the centuries immediately following the Conquest this schism between the manor courts based on custom and the Crown courts based on the common law of the land, was to widen and tended to weigh in favour of the lord and to the detriment of his tenants in respect of rights of tenure.

The period following the Black Death (1348/49) is often cited as the turning point in English history concerning the power of the villeins.¹⁰ The plague created labour shortages, which forced up wage rates and initially worked to the advantage of the villeins. Their struggle to secure a more permanent hold on the strips they tilled, and even more importantly, the right to hold them as hereditaments whereby their descendants could inherit, now began to bear fruit. By the end of the fourteenth century, manorial tenants entering upon messuages or land could expect not only to have their names and estate details entered on the court rolls, but also to receive a written copy of the entry.¹¹ This procedure gave rise to the terms copyhold tenure and copyholder. Throughout the fifteenth century, the copyholders continued to struggle against the restrictions and charges placed upon them by manorial custom and powerful landlords. Their success may be judged from the fact that by the end of the Tudor period, copyholders could inherit, purchase and sell estates,¹² and by a process known as surrender to the use of a will, devise their estate to a third party.¹³

The lords of the manors did not acquiesce without a struggle against the growing rights of their copyhold tenants. In many cases faced with fixed customary rents, which fell in value

in real terms during periods of inflation, the landlords took every possible opportunity to convert copyhold tenures to leasehold, and sought to rent out land at rack rents.¹⁴ Landlords would also curtail copyholder's rights by enclosing the commons and wastes, and if powerful enough, open areas of arable land to convert them into sheep pastures which employed less labour.¹⁵ Wordie has claimed that by 1500 about 45% of the available agricultural land in England had been enclosed.¹⁶ The rising tide of enclosures caused such concern that Henry VIII, through his Chancellor Wolsey, set up a Commission in 1517 to look into the abuse.¹⁷ Subsequently the surge of enclosures slowed down somewhat until they regained momentum again at the beginning of the seventeenth century when parliamentary enclosures first appeared.¹⁸

Another method of harassing copyholders was to attempt to force up entry fines. An entry fine was a payment made to the lord of the manor by an incoming tenant, when first admitted to a copyhold estate. In Cumberland, these were known as gressoms¹⁹ and the actions of some landlords there, and also in Westmorland and the Craven District of the West Riding of Yorkshire in demanding higher and higher gressoms, proved to be one of the main grievances of the north-western rebels in the rising of the Pilgrimage of Grace 1536.²⁰

The success of the landlords in eliminating copyhold tenure was mixed. In 1570, in the East Riding of Yorkshire, the tenants of the Percy estates at Leconfield, Wressle and Catton were predominantly copyhold. By the end of the sixteenth century, the 9th Earl of Northumberland had embarked on a policy of pressurising his tenants to change their copyholds to leases. His efforts were clearly successful because by 1720, no copyhold tenures remained on any of the East Yorkshire Percy estates.²¹

Such success did not crown the efforts of the other two powerful East Yorkshire landowners, the Cliffords, Earls of Cumberland, with their Londesborough and Market Weighton estates and the Constables, with their numerous Holderness manors.

Early in the seventeenth century, Francis, 4th Earl of Cumberland, was at loggerheads with his copyhold tenants over attempts to raise entry fines. Eventually, in 1627, the Earl was obliged to accept a one-off payment of 2½ times the annual rental and to settle thereafter for fixed entry fines based on a single year's rent. The Constables of Burton Constable fared only a little better, managing to gather in higher lump-sum payments in 1583 and 1610, in return for the confirmation of a number of copyhold tenures and agreed, fixed one-year rental equivalents for their entry fines.²² Hence copyholders continued in appreciable numbers on both the Clifford and Constable East Yorkshire estates.

As the disputes regarding entry fines, rents and the customs prevailing in the various manors were settled, so the position and status of the remaining copyhold tenants began to stabilise.

Clay was able to say:

‘Disputes over fines still occurred in some districts especially in the north, in the 1650s and 60s, but little is heard of them thereafter, for both in terms of the common law and the custom of particular manors, the position of those who still held by customary tenure was clearly understood and accepted by all parties by the later seventeenth century. It may therefore be said of the period 1640-1750 that, except at the very beginning of it, neither the security of customary tenants nor the extent of their financial obligations was a live social issue.’²³

By the mid-eighteenth century, the difference between a freehold and a copyhold tenure on the manor, in practical terms of land or property ownership, was small. The essential difference between the two forms of tenure was one of procedure for conveyance. The sale and purchase of a copyhold estate could only be transacted through the manorial court by a process of surrender and admittance. The purchaser became the new tenant and was obliged to pay an entry fine according to the custom of the manor. The estate details were entered on the court rolls and the new copyholder received a copy of the entry in the rolls.

Freehold estates, on the other hand, were conveyed by deed or indenture of grant, drawn up by an attorney-at-law, according to common law, and from 1708 all freehold transactions in the East Riding of Yorkshire were required to be registered at the Beverley Registry of Deeds.²⁴

Although the legal end of feudalism was signalled by the Abolition of Military Tenures Act of 1660,²⁵ which eased manorial services imposed on a freeholder, many aspects concerning copyhold customs continued to be enforced. In essence, the copyholder remained firmly subject to the custom of the manor and the workings of the manorial courts.

The manorial courts were usually conducted by the lord's steward or understeward, but by the early eighteenth century his authority, and much of the arbitrary power of the lord had been subdued through custom, whereby fines and rents were limited. In William Constable's Manor of Burstwick, in Holderness, even for copyholders 'at the will of the lord', known as copyholders in bondage, it was claimed that the entry fines could not be charged at a figure above two years rent of the estate.²⁶ Quit rents too, were maintained at customary levels and over a long period of time fell in monetary value in real terms.

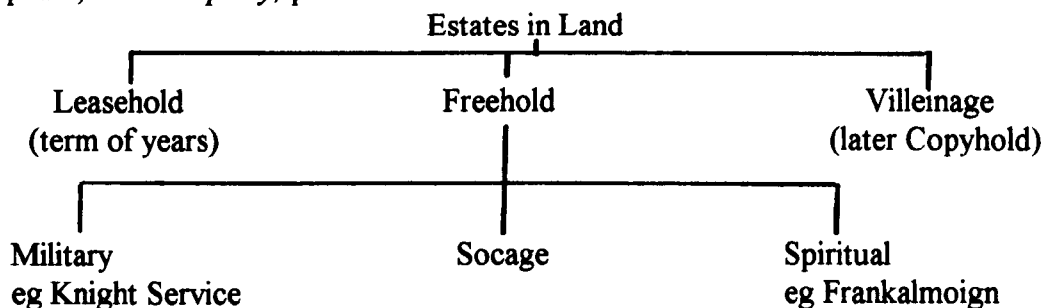
By the mid-eighteenth century, most manor courts, baron and leet had been amalgamated and business was virtually reduced to the transfer of copyhold estates and the appointment of Court officers, such as the pennygraves, the affeerors, and the juries for the twice-yearly View of Frankpledge courts. Nevertheless, and as a later chapter intends to show, this reduced level of business was not further curtailed by the advent of parliamentary enclosures. In fact manor courts survived as the only legal means of conveying copyhold property until 31 December 1925 when no new copyhold admissions could be made.²⁷ It

was not until the Administration of Justice Act of 1977 that manor courts were finally abolished.²⁸

NOTES AND REFERENCES

To the chapter: Manorial Land Tenure and the Copyholder

1. The following legal textbooks have been used in writing this chapter: Adkin, P.V. Baker, *Megarry's Manual of the Law of Real Property*, fourth edition, 1969; Lewis E. Emmet, *Notes on Perusing Titles*, ninth edition, 1921; R.H. Kersley, *Gibson's Conveyancing*, nineteenth edition, 1964; H Gibson Rivington, *Law of Property in Land*, 1930; A.F. Topham, *Topham's Real Property*, eighth edition, 1936.
2. The creation of a new lord by the granting of a fee by a higher lord was known as subinfeudation. The practice ceased with the passing of the law *Quia Emptores* in 1290, (18 Edw. I). This effectively meant that no new manors could be created after that date.
3. The classification of ancient tenures may be seen from the following structure, taken from Topham, *Real Property*, p.16.



4. This was usually equal to one year's rent. See Topham, *Real Property* p.20; Rivington, *Law of Property*, p.4.
5. A good example of a Holderness feefarm grant was contained in the Royal Charter of Edward III to the Burgesses of Hedon, 1348. For an annual rental of £30, paid to the Royal Manor at Burstwick, the burgesses were granted the town and the right to elect, 'a mayor, bailiffs, a coroner and other necessary ministers'. J.R. Boyle, *The Early History of the Town and Port of Hedon*, 1895 pp.44-48. In note 8, on p.49, of an Article, 'The Charity Commission as a source in English Economic History', G. Clark, *Research in Economic History*, Vol.18, 1998, it states:

'Rent charges were sometimes also referred to as "fee farm rents". The rent charge existed from at least the twelfth century. Rent charges were still being created in the eighteenth century'.

In fact, we know from the annual reports of the Copyhold Commissioners that rent charges were still being created in the mid-nineteenth century. (See the 15th report of the Commissioners, 1857, concerning enfranchisements at Holmpton in Holderness).

6. In some areas of England, the Domesday survey refers to the bordar by the alternative name of cottar.
7. E. Kerridge, *Agrarian Problems in the Sixteenth Century and After*, 1969, p.32.

8. Kerridge, *Agrarian Problems*, p.18 and P.B. Park: *My Ancestors were Manorial Tenants*, 1994, p.3. The legal requirements for the existence of a manor were listed by Adkin, p.70.
9. The court baron was originally the freeholders' court which dealt with the customs of the manor, the rights of tenants and minor offences in cases involving 40 shillings or less. It was held on a three-weekly basis. A second court, known as the customary court, dealt with the transfer of copyhold land, but over a period of time these two courts were often merged.

A third court, known as the court leet, was technically a Crown court, which heard petty offences not punishable by common law, for example general nuisances, breaking the local bylaws and leaving hedges and ditches in disrepair. This court met twice a year and in Holderness was often linked to the View of Frankpledge, where in the Manor of Burstwick for example, the jury was sworn in, 'For our Sovereign Lord the King'. ERRAS DDCC(2)/80.

By the eighteenth century, different courts adopted different titles. In Constable's Manor of Burstwick the courts baron and customary were merged and went under the name of the Great Court. At Burstwick, twice a year, the equivalent of a court leet sat under the title of View of Frankpledge with the Great Court. Other Holderness manorial courts also showed evidence of amalgamation in their titles. The Bethell's court at Leven was known as the Customary Court with the View of Frankpledge whilst the manor courts at Patrington and Welwick Provost enjoyed the composite title of View of Frankpledge with the Court Baron and Customary Court. For the Manor of Burstwick see the volumes of court books, DDCC(2)/80. The titles of the manorial courts of Patrington, Welwick and Leven are taken from actual copies of surrenders and admissions, in the period 1787-1840, in the author's own collection of documents.

10. See R.H. Tawney, *Agrarian Problems in the Sixteenth Century*, 1912, pp.90-91 and R.C. Allen, *Enclosure and the Yeoman*, 1992, pp.64-65.

The conventional view that the Black Death precipitated 'a great social revolution', on the land was challenged by J. Hatcher in 1994. 'England in the Aftermath of the Black Death', *Past and Present*, No. 144, August 1994, pp.3-35. His article was mainly concerned with the fortunes of the landless labourer, but he did agree that, 'the generality of peasant landholders did register some appreciable improvement in their condition in the generation after the Black Death. (p.30). Hatcher also wrote that in the late 1370s, after a slump in the price of grain, tenants of customary land, whose rents were held at a relatively high level by manorial custom compared with those who enjoyed lower rents through re-negotiated leases and rack rents, fought hard against such a burden. By the time of the Peasants' Revolt of 1381, Hatcher agrees that, 'the tide was turning irrevocably against villeinage'. (p.35)

11. A good illustration of a copy of a court roll entry for the manor of Wakefield, 1369, appears in N.W. Alcock, *Old Title Deeds*, 1986.
12. Tawney, *Agrarian Problems*, p.59, imagined an interview with "an aged man" about the year 1500., regarding conditions on his manor. Tawney wrote:

‘If surveys and court rolls may be trusted, there is one thing that he could hardly fail to tell us, and that is that for as long as he can remember there had been a great deal of buying and selling of land by the customary tenants,.....’

13. The Statute of Wills 1540 (32.Hen. VIII.) only applied to estates held in fee simple and not to copyholds. The lawyers overcame the problem by making the testator carry out a surrender ‘to the use of his will,’ at the manor court. See Adkin, p.103; Baker, *Megarry’s Manual*, p.264.
14. The extent to which landlords converted copyholds of inheritance into leaseholds from the fifteenth century onwards, was described by historians such as R. Brenner, ‘Agrarian Class Structure and Economic Development in Pre-Industrial Europe’, *Past and Present*, No.70, 1976, pp.61-62, and Allen, *Enclosure and the Yeoman*, p.97. Brenner was strongly criticised and challenged by R.W. Hoyle, ‘Tenure and the land market in early modern England: or a late contribution to the Brenner debate’. *Economic History Review*, 2nd series, XLIII, 1990, pp.8-9.
15. A powerful voice raised against the abuse of enclosure was that of Sir Thomas More. In *Utopia*, 1516 he wrote:

‘For one Shepheard or Herdman is ynoughe to eate up that ground with cattel, to the occupyne whereof aboute husbandrye many hands were requisite’.

16. Figures claimed by J.R. Wordie, ‘The Chronology of English Enclosure 1500-1914’, *Economic History Review*, 2nd series, Vol.36, 1983, pp.483-505 are as follows:

	%
Enclosed by 1500	c 45
“ 1500-1599	c 2
“ 1600-1699	c 24
“ 1700-1799	c 13
“ 1800-1914	c 11.4
Commons remaining at 1914	<u>c 4.6</u>
	<u>100.0%</u>

The above percentage figures claimed by Wordie were subsequently disputed by J. Chapman, ‘The Chronology of English Enclosure’, *Economic History Review*, 2nd series, Vol.37, 1984, pp.557-559. Chapman challenged Wordie’s figure of c.24% for land enclosed in the seventeenth century and argued that Wordie’s figures for land enclosed prior to the seventeenth century, and also post 1700, were both underestimated.

17. The Commissioner’s report, produced in 1519, covered the enclosures which had taken place in 24 counties of England since 1488. These returns were analysed by I.S. Leadam, *The Domesday of Enclosures*, edited 1897. A classic example of arable land being converted into sheep pastures occurred at the former East Riding village of Wharram Percy, where, in 1517, the King’s Commissioners reported: ‘Baron Hilton had put down four ploughs and allowed four houses to decay’.

By 1670, the erstwhile village of Wharram Percy had virtually disappeared, save for its

church, the vicarage and one two-hearth dwelling. See K.J. Allison, *The East Riding of Yorkshire Landscape* 1976, p.104, M. Beresford and J. Hurst: *Wharram Percy, Deserted Medieval Village* 1990, p.101 and J. Hurst, *A Study of Settlement on the Yorkshire Wolds*, Vol. 1, 1979, p.9.

Conversion of arable land to sheep pasture was not the only cause of village depopulation, C. Dyer, *Lords and Peasants in a Changing Society; Estates of the Bishopric of Worcester 680-1540*, 1980 p.259, discovered that six out of a total of ten villages in his area of research had been depopulated by the creation of sheep pastures, whilst the remaining number had either been destroyed by avaricious landlords usurping land or by villagers moving of their own volition when hard pressed for rent payments.

18. The first parliamentary act of enclosure is usually said to be the enclosure of Radipole in Dorset, 1604, for which see W.E. Tate and M.E. Turner, *A Domesday of English Enclosure Acts and Awards*, 1978.
19. This word also appears as 'gressums'.
20. See C.S.L. Davies, 'The Pilgrimage of Grace Reconsidered', *Past and Present* Vol. 41, 1968, p.55.

One of the most notorious landlords guilty of forcing up entry fines was Henry, 1st Earl of Cumberland (d.1542).

'In the forests of Stainmore and Mallerstang, new tenants were to be charged with an entry fine of seven or eight years' rent. In townships, new tenants were to pay an entry fine of five years' rent'.

See S.M. Harrison, *The Pilgrimage of Grace in the Lake Counties 1536*, 1938, p.54. The same author was able to say, 'Of the economic grievances of 1536, entry fines were by far the most important' this comment is supported by one of the articles drawn up by the Pilgrims at Pontefract Castle, 2-4 December 1536:

'Item that the landes in Westmorland, Cumberland, Kendall, Dent, Sedber, Fornes and the abbayes landes in Mashamshire, Kyrkbyshire, Notherdale may be by tenant right, and the lord to have at every change ii years rent for gressom and no more...'

See A. Fletcher, *Tudor Rebellions*, third edition 1983, p.111.

Detested by his tenants, the Earl was besieged in his castle at Skipton. Unperturbed, the Earl held out against all attacks by the rebels, whilst his son, Henry, Lord Clifford successfully defended Carlisle Castle.

21. B. English, *The Great Landowners of East Yorkshire, 1530-1910*, 1990, pp. 156-160, especially p.158 where we learn that the 9th Earl of Northumberland advising his son in 1609, wrote: 'Copyholders of inheritance ... yield nothing'.
22. *Ibid.*, p.161.

23. C. Clay, 'The Management of Estates. (a) Customary tenure and life leasehold', *Agrarian History of England and Wales*, Vol. V, 1640-1750, 1985, p.199.

In adding weight to the quotation from Clay, and linking it to the grievance of the Pilgrims mentioned in note 20 above, it should be said that in the northern counties of England and the upper parts of Yorkshire and Lancashire, some of the customary tenants held their estates by a tenure known as tenant right. Whilst the tenant right and copyhold were broadly similar, the essential difference between the two was that the former also paid a gressom (entry fine) on the change of the lord of the manor, for which see R.W. Hoyle, 'An Ancient and Laudable Custom: The Definition and Development of Tenant Right in North-Western England in the Sixteenth Century'. *Past and Present*, No.116, 1987 pp.24-55. Hence when after a legal struggle of almost 40 years the celebrated Lady Anne Clifford finally succeeded to her father's estates in 1643, she insisted on her tenants paying the customary gressom. This was objected to by her tenants who only two years previously had paid a similar fine on the death of Francis Clifford, the 4th Earl of Cumberland. After a protracted piece of litigation, the redoubtable Lady of the Manor had her way, and the gressoms were duly paid. (See M. Holmes, *Proud Northern Lady*, 1984, p.143 and p.153).

24. Act of Parliament 1707, 6 Anne c.62.

25. Act of Parliament 1660, 12 Car II c.24. The date of the act given by Adkin (1662) is incorrect.

26. The Manor of Burstwick: 'Customs of Court', Vol. 1791, p.99. DDCC(2)/42/1. However, see the next Section, 'A Copyholder', p.33.

27. Law of Property Act 1922 (12 and 13 Geo.V c.16). By this act, 'all copyholds and customary freeholds were enfranchised and became ordinary freeholds on 1 January 1926'. See Topham, *Real Property*, p.251. In fact the creation of new copyhold tenures had been prohibited since the Copyhold Act of 1887 (50&51 Vict. c.73) which was re-enacted by section 81 of the Copyhold Act 1894 (57&58 Vict. c.46). See Adkin, pp.86-87.

28. Administration of Justice Act 1977 (26 EII c.38). In section 23, schedule 4 of the act, the jurisdiction of the following 'ancient courts' was curtailed:

Courts Baron
 Courts Leet
 Customary Courts of the Manor
 Courts of Pie Poudrie
 Courts of the Staple
 Courts of the Clerks of the markets
 (or clerk of the market)
 Hundred Courts
 Law Days
 Common Law (or Sheriff's) county courts as known
 before the passing of the County Courts Act
 1846.

Exempted specifically from the act was the court leet for the Manor of Laxton and nineteen other named courts were allowed to continue, but conducting non-judicial functions only. See *Current Law Statutes, Annotated 1977*, General editor P. Allsop, 1977.

CHAPTER 2

A COPYHOLDER

In chapter one I have attempted to sketch briefly the history of how villeinage tenure on the manor developed into copyhold tenure. In addition I have mentioned how the land of the manor might be held by both freeholders and copyholders and tried to explain the basic differences which existed between these two forms of tenure. Whilst the freeholders were still obliged to make some payments to the lord of the manor, such as rents and reliefs, carry out minor services such as suit of court, and have an obligation to abide by the common programme of husbandry and local bye-laws, legally speaking freeholders were outside the customary control of the lord's manor court. The copyholders, on the other hand, holding a base tenure at the will of the lords, remained firmly bound to the customs of the manor and the demands of its court.

In Holderness, by 1750, the main questions relating to tenure and the customs of the various manors seem to have been virtually resolved and accepted, making the conveyancing of copyhold land and property, and the performance of manorial duties, purely routine matters. In this situation of stability it now seems sensible to define in more detail what was meant by the term 'copyholder' in the rural scene of eighteenth century Holderness. The concurrent terms 'yeoman' and 'labourer' also require some explanation since these titles frequently appear in the court rolls. This section also discusses the different broad categories of copyholder which existed and addresses the questions: Who were the copyholders? What was the process of surrender and admission? What were the rights of Holderness copyholders to sub-let and lease, and what charges were incurred?

In the straight-forward language of the manorial court rolls, a copyholder was a customary tenant who held an estate, be it cottage, tenement, messuage or land, open or enclosed, of

the lord of the manor, by copy of the court roll, in accordance with the customs of the manor. ¹

The term 'copyholder' could apply to a person holding an estate with any one of three different forms. These were a copyholder of inheritance, a copyholder for life and a copyholder for years. By the mid-nineteenth century it would appear that the most commonly found form of copyhold in England was of inheritance ie hereditary. During the period 1841 to 1882, a body known as the Copyhold Commissioners acted as a Government agency to promote and facilitate the process of enfranchisements of copyhold estates. In this case, the term enfranchisement meant the conversion of copyhold tenure to freehold and the work of the Commissioners is discussed in chapter six. If the enfranchisements recorded in the annual reports of the Commissioners are at all a close approximation to the distribution of copyholds in general, then the copyholds of the eastern counties such as Yorkshire, Lincolnshire, Norfolk, Suffolk, Cambridge, Essex, Middlesex, Hertfordshire and Surrey were almost entirely of inheritance. A word of caution, however, might be added here in that not all enfranchisements were processed through the offices of the Commissioners, and indeed some copyholds for lives or years escaped this official enfranchisement channel altogether because they were allowed to lapse on the death of the last named life, or at the end of the registered number of years without new admission. Clay asserted that in the period 1640-1750 most of the Midlands were copyholds of inheritance, ² a fact later confirmed by the nineteenth century Copyhold Commissioners for Staffordshire and Shropshire although a recent piece of research by Whittle claimed that formerly, in the sixteenth century, the commonest form of customary tenure in the Midlands had been copyhold for lives. ³

Copyhold for lives meant that any estate reverted back to the lord of the manor after the death of a nominated number of copyholders, usually three, but sometimes two, four, five or

even six as Table 2:1 shows, the examples all being taken from the annual reports of the Copyhold Commissioners.

Table 2:1 Examples of copyholds for lives in English manors taken from reports of the Copyhold Commissioners.

Annual Report of the Copyhold Commissioners	Manor/County	Lord of the Manor	Copyhold for number of lives
17 th . 1859	Colerne, Wiltshire	New College Oxford	2
16 th . 1858	Otterborne Sotom.	Magdalen College Oxford	3
13 th . 1854/55	Hallow, Worcs.	Bishop of Worcester	4
13 th . 1854/55	Crothorne & Charlton, Worcs.	Dean & Chapter of Worcester Cathedral	5
9 th . 1851	Wells, Wellesley and Didcott, Somerset	Principal, Seniors and Vicars Choral of Wells Cathedral	6

By the nineteenth century, this form of copyholding occurred mainly in the central-southern areas of England, for example Gloucestershire, Somerset, Hampshire and Wiltshire, particularly when associated with manors held by ecclesiastical lords such as the Bishops of Gloucester, Worcester and Salisbury, and also some of the Oxford University Colleges. The situation was not always clear-cut, however, as the reports of the Copyhold Commissioners show. A number of counties like Buckinghamshire, Berkshire and Oxfordshire had a broad mix of both copyholds of inheritance and for lives.⁴

The third form of copyholding was copyhold for years, which in practice closely resembled leasehold tenure. This was a relatively rare form of copyhold which occurred in a few manors, notably in the counties of Durham, Hampshire and Leicestershire.⁵

In eighteenth-century Holderness, copyhold tenements, messuages and land were, to all intents and purposes, copyholds of inheritance, but even here there existed two quite separate types known as copyhold in bondage and copyhold free. The former incurred an arbitrary entry fine, or fine, 'at the will of the lord'.⁶ Copyhold free, or as it was frequently called in the Constable manors of Holderness, copyhold without impeachment of waste, involved a fine certain, meaning a fixed and known payment on entry to the copyhold estate. As has been mentioned in the previous chapter, over a long period of time, under inflationary conditions, the value of this payment fell in real terms, even to becoming an insignificant sum of money compared with the real value of the land. This was obviously a matter of great concern to the manorial lords, for not only did they suffer entry fines of a falling value, annual quit rents also remained static in Holderness over a long period of time.⁷ In the case of the Constable manors of Holderness, rents and entry fines on copyhold free estates were linked, with the fine held at the equivalent of a single year's customary and long-established quit rent.

Customary freehold was another term synonymous with copyhold free, or copyhold without impeachment of waste. Adkin (1907) tabulated the legal differences which existed between a customary freeholder and an ordinary freeholder,⁸ both of whom could easily hold plots of land and tenements side-by-side with each other on the manor. The same applied to the two different forms of copyhold of inheritance and Kerridge's remark that 'in some instances, free and bond copyholders were found in the self-same manor',⁹ was in fact the norm on many Holderness manors. The acreages of each type in any one particular manor varied hugely as Table 2:2 shows for a number of Constable manors in Holderness.

Table 2:2 Areas in different townships of the Manor of Burstwick to show the varying amounts of land held of different tenures at enclosure.

a = acres; r = roods; p = perches

Manor at Enclosure	Copyhold in Bondage			Copyhold Free			Freehold			Total						
	a	r	p	%	a	r	p	%	a	r	p	%				
Burton Pidsea (1762)	1169	2	18	58.7	39	3	39	2.0	784	0	3	39.3	1993	2	20	100
Burstwick and Skeckling (1777)	12	2	0	1.4	50	1	14	5.9	796	3	9	92.7	859	1	23	100
Keyingham (1805)	143	0	3	12.6	481	2	28	42.4	509	2	26	45.0	1134	1	17	100
Kilnsea (1843)	9	1	6	1.7	285	2	4	58.3	195	1	0	39.8	490	0	10	100
Lelley (1770)	99	0	16	15.4	188	1	31	29.3	355	2	18	55.3	643	0	25	100

Sources: Enclosure awards archived in the RDB.

The tenure of both forms of copyhold of inheritance had many similarities to freehold tenure. Copyholders could sell (alienate), mortgage, hold in tail, sub-let, lease, give-away, or bequeath their estate. In order to sell, a copyholder had first to surrender the estate to the lord and the purchaser was then obliged to seek admittance at the manor court. The purchaser was then required to swear fealty to the lord (if the action was carried out in the court), a ritual which became a virtual formality by the end of the eighteenth century, and to agree to observe the customs and services of the manor. Finally, he or she was obliged to pay the customary entry fine and the steward's court fees.

A comprehensive document explaining the customs of the Manor of Burstwick, written in 1791,¹⁰ asserted that copyhold lands held as copyhold free paid a fine equivalent to one year's rent and that copyholds in bondage paid an entry fine 'at the will of the lord' not exceeding two years' rent of the estate on death and 1½ years on purchase. For a nine-year period between 1 April 1747 to 21 April 1756, the court book for the Manor of Burstwick recorded both the yearly rents paid and the entry fines for all copyhold surrenders and admissions. In the case of copyholds free (without impeachment of waste), entry fines invariably equate to one year's rental,¹¹ but, copyholds held in bondage, recorded in the same nine-year period, do not agree with the 1791 formula, and in many cases fines were more than ten times the annual rent. One hundred years later, returns by manorial court stewards providing information for the Copyhold Commissioners during the process of enfranchisement, make it clear that entry fines for copyholds held in bondage, were not calculated with the stated factors of $\times 2$ and $\times 1\frac{1}{2}$, on annual rents, but on the 'improved' annual value of the estate.¹² Hence, whilst rents were fixed at customary levels and often of a derisory amount, 'improved values' for land and property could generate substantial entry fines for copyhold estates held in bondage. Appendix 1 tabulates the ratios of fines to rent for copyholds in bondage in the Manor of Burstwick over the period 1747 to 1756.

Little consistency can be detected in these entries in Appendix 1, except perhaps to say that in general, the ratio for small messuages, cottages and garths was much larger than for the areas of arable, meadow and pasture land. Nevertheless, these ratios go a long way to explain why the lord of the manor demanded a much higher price for the enfranchisement of land and property held in bondage, than for that held without impeachment of waste.¹³

Like a freeholder, a copyholder could mortgage his or her estate in order to raise capital. A mortgage required a 'conditional surrender' and like a freehold mortgage, failure to maintain payments could result in the mortgagee taking over the estate as the new customary tenant. A study of the mortgages recorded in the court book for the Manor of Easington Rectory in the nineteenth century showed that the copyholders raised capital by means of equitable mortgages. This meant that the borrower surrendered the copyhold property to the mortgagee, had the action entered in the court rolls and handed over his copy of the court roll to the mortgagee. Subsequently, if the mortgage was not repaid, the mortgagee would be admitted as the new customary tenant. Even so, the borrower still retained the equity of redemption on the property and in some cases it was the heirs of the original borrower who would redeem and recover the property by paying off the principal sum of the mortgage and all interest owing.¹⁴ After 1834, the law restricted the right of redemption to a period of twenty years,¹⁵ but the Real Property Limitation Act of 1874 reduced this period to twelve years.¹⁶ In the court book of the Rectory Manor of Easington two relevant cases occur, the first concerning James Watson, the Hedon solicitor, who claimed a messuage at the South End of Easington in 1897,¹⁷ and the second concerning Emma Bywater of Beckenham who claimed in 1922, a cottage in Blackwell Row, an allotment in Firtholme, another allotment in the West Field and a parcel of meadow ground in Hawes Garth, all in Easington township.¹⁸ Both mortgagees were said to have been in possession for more than twelve years without receiving any claim from the

former owners, or their heirs and assigns, 'regarding the right of redemption, or any person claiming the estate.' The steward duly admitted James Watson and Emma Bywater and they were both entered in the court book as tenants of the manor.

Copyholders could, and frequently did, sub-let their holdings at rack-rents, an action which would be a profitable source of income for non-resident and female copyholders, who would pay a nominal annual quit rent to the lord of the manor but could then rent out their holding to a sub-tenant at a level reflecting the true economic value of the land. There are many references in the Holderness court rolls where surrender entries included the added information that the estate in question, 'is in the occupation of... as his, or her, under-tenant'.

Copyholders could also demise, or lease, their estate for years, although in the Constable manors of Holderness leases were normally limited to a two-year period. If longer leases were in prospect, the copyholder had first to seek a licence from the lord before making any binding agreement. In practice, the court steward would grant the request on behalf of the lord as an exceptional occurrence - the court book entry always stating that the action was, 'contrary to the custom of the manor'. Failure to seek prior permission could have quite serious consequences. At a court held for Burton Pidsea, on 4 February 1756, the homage jury, 'found and presented', that William Bell of Elstronwick and Mary Bell of Hedon had demised all their copyhold lands in Burton Pidsea for forty years. This was declared to be contrary to the custom of the Manor of Burstwick and the pennygrave was ordered to seize the lands by escheat to the lord.¹⁹ Following procedure, however, usually resulted in a lease request being granted, hence when Richard Wilbe the younger of Hull, draper, and Christopher Wright of Harrogate, coachmaker, wished to demise their allotment of 3a 1r 13p. in the West Field of Easington for seven years in April 1855, although the request was

described as being 'contrary to the custom of the manor', the steward gave his consent on behalf of the lord of the manor.²⁰

It was also common for copyholders to surrender their estate, 'to the use of his, or her will'. This meant that although the tenant had technically surrendered their estate to the lord, they continued to hold the land or tenement until death whereupon the estate passed down in accordance with the wishes of the testator. The requirement for a copyholder to surrender their estate to the use of his, or her, will ended with the passing of the Wills Act 1837,²¹ which enacted that any copyhold estate could be devised without the prior need to surrender to the use of a will.²²

A copyholder was not restricted in the ownership of an estate to any one particular form of tenure. He or she could be the proprietor of land and buildings held with both types of copyhold, free and in bondage, and also hold freehold property in the same manor. The same copyholder might also be a lessee of freehold land belonging to a third party. This flexibility of tenure can be illustrated by the example of George Clapham the younger, a yeoman of Burton Pidsea. In 1765, at the time of enclosure, Clapham was lessee of the tithes and held the glebe lands in Burton Pidsea, for three named lives, from the Dean and Chapter of St. Peters at York. In the North Field he owned 1½ acres of freehold, one acre of copyhold free and 61 acres of copyhold in bondage. In the South Field, he owned 11 acres of copyhold free and almost 34 acres of copyhold in bondage land.²³ Finally, it should be mentioned that a copyholder of one manor might also be a freeholder, copyholder or leaseholder in another manor.

In the manors of Holderness, copyholders who farmed land were most frequently described as yeomen in the manorial court rolls. An analysis of the occupations of copyholders appearing in the rolls for the Manor of Burstwick, over an eleven-year period between April

1747 and October 1758, reveals that out of 119 male copyholders listed in Table 2:3, 68 were described as yeomen (57%).²⁴

Table 2:3 Analysis of the Court Roll entries for the period 1 April 1747 to 3 October 1758 in the Manor of Burstwick

Manor	Total Male Copyholders Listed	Number Described as Yeomen	Other Occupations or Status	Not Classified	% Yeomen of Total
Preston	45	26	11	8	58
Burton	29	15	8	6	52
Pidsea					
Keyingham	22	14	5	3	64
Burstwick & Skeckling	11	5	6	0	45
Elstronwick	9	5	3	1	56
Lelley	3	3	0	0	100
Totals	119	68	33	18	Av. 57%

Source: ERRAS, DDCC(2)/80, 1747-61.

In the case of Preston, of the eleven different occupations stated, five were listed as labourers and one each for servant in husbandry, husbandman, house carpenter, tailor, mariner and blacksmith. Of these transactions the rolls show that five surrenders were involved (one labourer sold to another labourer). Every one of the five transactions concerned the sale of either a cottage or a house, with a garth. Not one of the five included land in the open fields. Hence owning a garth, the labourer might well have been able to keep a pig, or perhaps a cow, and grown some vegetables, but his very subsistence and that of his family, relied as stated by the Hammonds (1911), 'working mainly as labourers'²⁵ on land owned by the freeholders and copyholders.

In recognising the status of the landless labourer, it cannot be denied that the holdings of some of the copyhold yeomen in the open fields were not large enough to have produced a level of self-sufficiency and independence from having to labour themselves for others. Exactly what farm area could support a yeoman and his family is a matter of some debate

and any answer would surely depend on the situation of the holding and the soil quality. There is little doubt, however, that the supposed lower limit increased in size over the centuries. J.Z. Titow (1969), calculated that 'Half a virgate (c.14acres) was just large enough to support a villein family.'²⁶ R.H. Tawney (1912) stated the average size of a copyhold, or customary holding in the sixteenth century was 34 acres,²⁷ whilst Allen (1992) quotes the average size of open farms in the South Midlands, in the early eighteenth century at 65 acres, although his figure includes leasehold land as well as copyholds.²⁸

If we take, in an arbitrary fashion, a figure of 50 acres as being the average size of a customary holding, in the mid-eighteenth century, many Holderness copyhold tenants were proprietors of areas well below that figure. Some evidence of the wide spectrum of land ownership by copyhold yeomen may be appreciated from Tables 2:4A to 2:4L. These tables list selected awards to individual copyhold yeoman of arable land, meadow and pasture ground at the enclosure of twelve Holderness townships. Only those copyholders identified as being resident of the particular township being enclosed have been included in the tables in an attempt to single out yeomen owner-occupiers.

Table 2:4A Burton Pidsea 1762

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	P	a	r	p	a	r	p
George Clapham Junior	80	0	37	169	3	10	250	0	7
William Mayor	149	0	0	6	3	37	155	3	5
Thomas Salmon	39	2	39	5	3	--	45	2	36
Matthew Richardson	27	0	8	--	--	--	27	0	8
John Tavinder	7	2	29	--	--	--	7	2	29
Robert Wallis Junior	7	0	28	--	--	--	7	0	28
Benjamin Waudby	6	2	14	--	--	--	6	2	14
John Coates	5	2	27	--	--	--	5	2	27
David Tavender	5	0	39	--	--	--	5	0	39

Table 2:4B Skeffling 1765

Name of Yeoman copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
John Billany	9	3	4	--	1	13	10	0	17
John Cook	3	0	39	--	--	--	3	0	39
John Farthing	3	3	29	--	--	--	3	3	29
John Baxter	3	0	9	--	--	--	3	0	9

Table 2:4C Beeford 1768

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
William Acklam	1	3	20	19	2	10	21	3	30
Richard Dunn the elder	2	1	37	--	--	--	2	1	37
Thomas Clubley	2	0	32	--	--	--	2	0	32
Matthew Bolton	1	2	36	--	--	--	1	2	36
John Dixon	1	2	36	--	--	--	1	2	36
Henry Pool	1	2	36	--	--	--	1	2	36

Table 2:4D Patrington 1768

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
Richard Hall	11	1	4	--	--	--	11	1	4
William Atkinson	10	1	10	--	--	--	10	1	10
John Baron the younger	7	2	12	--	--	--	7	2	12
Francis Pearson	5	1	6	--	--	--	5	1	16
John Marshall	1	1	28	--	--	--	1	1	28
John Atkinson		1	26	--	--	--		1	26
William Farthing		1	26	--	--	--		1	26
William Hodgson		1	26	--	--	--		1	26
Joseph Sagg		1	26	--	--	--		1	26
George Stephenson		1	26	--	--	--		1	26
John Turner		1	26	--	--	--		1	26
John Webster		1	26	--	--	--		1	26

Table 2:4E Welwick and Weeton 1771

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p	a	r	p
John Clubley	38	1	4	40	1	32	78	2	36
Lawrence Harrison	5	0	3	27	2	23	32	2	26
John Wilson	11	2	0	5	0	15	16	2	15
William Joy	3	2	0	5	3	12	9	1	12
John Clarke	2	3	34	5	1	16	8	1	10
Samuel Towse	5	2	8	2	0	0	7	2	8
James Palmer	1	2	33	5	1	20	7	0	13
Thomas Coverdale	4	0	20	--	--	--	4	0	20
Martin Kemp	3	1	0	--	--	--	3	1	0
Thomas Cockerline	1	1	38	1	2	32	3	0	30
Francis Hunter	2	1	10		2	30	3	0	0
William Suddaby	1	2	16	--	--	--	1	2	16
William Coneystone		3	12	--	--	--		3	12

Table 2:4 F Preston 1777

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p	a	r	p
Francis Burnham	55	0	11	11	1	6	66	1	17
Edward Burnham	21	3	32	16	2	20	39	2	12
John Burnham	23	1	29	--	--	--	23	1	29
Ralph Burnham	12	3	24	9	3	10	22	2	34
Ob. Stephenson	20	3	37	--	--	--	20	3	37
William Spink	9	0	20	11	0	34	20	1	14
Mark Luck	8	1	23	5	2	2	13	3	25
John Richardson		1	36	13	1	16	13	3	22
John Wallis	6	3	5		1	29	7	0	34
William Simpson		2	29	--	--	--		2	29
William Heron		2	7	--	--	--		2	7
William Sanderson		1	34	--	--	--		1	34
John Wressill		1	32	--	--	--		1	32
Jos. Northgraves Junior		1	23	--	--	--		1	23

NB: The freehold award to John Richardson includes 6a 2r 14p of leasehold tenure.

Table 2:4 G Roos 1786

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
John Thruston	57	0	30	--	--	--	57	0	30
Wm. Clappinson	32	1	32	--	--	--	32	1	32
Stephen Canton	23	2	0	--	--	--	23	2	0
Samuel Pearson	23	1	36	--	--	--	23	1	36
Williamm Foster	22	2	30	--	--	--	22	2	30
Francis Clappison	18	0	0	--	--	--	18	0	0
Robert Dixon	10	0	20	--	--	--	10	0	20
Edward Wallis	9	2	12	--	--	--	9	2	12
William Booth	6	2	16	--	--	--	6	2	16
William Dalton	5	0	20	--	--	--	5	0	20
Thos. Spofforth	2	3	28	--	--	--	2	3	28
Robert Gossip	1	0	24	--	--	--	1	0	24
Thomas Dixon		3	0	--	--	--		3	0
William Bird		1	26	--	--	--		1	26
Robert Coltman		1	20	--	--	--		1	20

Table 2:4 H Leven 1796

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
Geo. Robinson	21	2	31	--	--	--	21	2	31
Nicholas Smith	16	1	4	--	--	--	16	1	4
Geo. Smith	14	1	38	--	--	--	14	1	38
Wm. Collinson	14	1	0	--	--	--	14	1	0
Wm. Smith	13	2	33	--	--	--	13	2	33
Jer. Lamplugh	6	3	4	--	--	--	6	3	4
Wm. Winter	2	3	12	--	--	--	2	3	12
Geo. Mercer	2	3	8	--	--	--	2	3	8
Richard Hood	2	1	4	--	--	--	2	1	4
Jon. Lamplugh	2	0	32	--	--	--	2	0	32

Table 2:4I Hollym & Withernsea 1797

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
George Pape	2	2	32	123	1	1	125	3	33
Thos. Galloway	33	3	14	7	3	22	41	2	36
John Edom	22	2	1	--	--	--	22	2	1
Wm. Bird	15	1	34	--	--	--	15	1	34
Richard Fenby	9	1	22	--	--	--	9	1	22
Richard Burrill	1	1	25	--	--	--	1	1	25

Table 2:4J Keyingham 1805

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
George Scott	20	0	24	--	--	--	20	0	24
Thomas Jackson	19	1	22	--	--	--	19	1	22
John Fenby	17	3	8	--	--	--	17	3	8
Jeremiah Matchan	9	0	36	--	--	--	9	0	36
Robert Patchett	7	3	0	--	--	--	7	3	0
Peter Burrill	4	0	18	--	--	--	4	0	18
William Hancock		3	8	--	--	--		3	8
John Jackson		1	39	--	--	--		1	39
Wm. Pearson		1	5	--	--	--		1	5
Wm. Longburn			28	--	--	--			28
John Coleman			24	--	--	--			24

Table 2:4K Hornsea 1809

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
Isaac Warcup	30	1	8	--	--	--	30	1	8
Wm. Fallowdowne	24	1	8	--	--	--	24	1	8
Chr. Jackson yr	15	2	16	--	--	--	15	2	16
Foster Whiting	15	1	8	--	--	--	15	1	8
Robert Stabler	9	0	28	--	--	--	9	0	28
Wm. Stork	7	3	0	--	--	--	7	3	0
John Amers	4	0	24	--	--	--	4	0	24
Hy. Owbridge	2	1	24	--	--	--	2	1	24
John Bell		2	0	--	--	--		2	0
Chr. Jackson		1	32	--	--	--		1	32
Matthew Hodgson			22	--	--	--			22
Thos. Myass			20	--	--	--			20

Table 2:4L Owthorne 1815

Name of Yeoman Copyholder	Area of Land Awarded						Total Award		
	Copyhold			Freehold			a	r	p
	a	r	p	a	r	p			
Grimston Cookman	18	2	12	32	1	12	50	3	24
Robert Baker	5	1	20	--	--	--	5	1	20
Aaron Brown	2	0	12	--	--	--	2	0	12

Source: Enrolled enclosure awards of various townships.

The tables show that six out of 115, or approximately 5% of resident yeoman copyholders held land areas greater than 50 acres. With this wide spectrum of land ownership most copyholders would have been obliged to labour for others whilst others might have leased, or rented, additional land on the manor from other proprietors. This must necessarily have been the case for yeomen who were awarded very small plots in the open fields, in lieu of common rights belonging to their copyhold cottages. The seven copyholders, each awarded 1r 26p in the Patrington enclosure being a case in point.

Who therefore could be a copyholder, and what was his or her status in the rural manors of eighteenth-century Holderness? A copyholding could be held jointly by a number of people. It was a common occurrence for a husband and wife to hold their estate jointly and in the Manor of Burstwick, where no son existed to inherit, the surviving daughters inherited as joint copyhold tenants. The strong position of tenure of copyholders of inheritance, combined with the attractions of low entry fines, small quit rents, a tradition of no heriots and few irksome customary services, made the purchase of copyhold land in Holderness an attractive investment for many non-residents. Reverend gentlemen, local baronets, Hull merchants, widows and spinsters, all became copyholders in the various Holderness manors and sub-let their holdings for profit to local farmers. Even Henry Waterland, the Hedon attorney-at-law, who served the Constables as their understeward in the manorial courts from 1704²⁹ until after his death in 1766, and his legal successor William Iveson, were both copyholders and sub-let their holdings to farmers. In the matter of duties and 'suit of court', some grace and favour was shown to female copyholders in that they were allowed to nominate a male deputy when their turn came to be pennygrave. Also the call rolls for the Manor of Flinton in Holderness, in the 1740s/1750s, show that the non-resident clerics and gentry did not usually appear at the court sessions,³⁰ presumably preferring to pay a nominal fine for non-attendance, or arranging to have their attorney submit an essoin.³¹

To sum up the rights and status of a copyholder in Holderness in the eighteenth century, it could be said that an individual possessing arable, meadow and pasture land in the manor, by copyhold of inheritance, was in a position of secure tenure. Acting jointly with other copyholders, he or she was able to participate in the general running of the parish programme of husbandry and helped to exert a strong element of self-regulation through the View of Frankpledge and customary courts. Even though their tenure was governed by manorial custom and not by common law, checks could be applied if excessive demands were voiced by the lord of the manor. This even applied to copyhold in bondage with its arbitrary fines, where rent charges and entry fines would be scrutinised by two appointed 'affeerors', fellow copyholders of the manor, who would ensure that all charges were in accordance with the customs of the manor. The particular advantages of copyhold free tenure to the Holderness copyholder were evident in low rents, fixed small entry fines and a custom of no heriots, all of which helps to explain the stubborn survival of this ancient form of tenure in Holderness and elsewhere, until its legal extinction at the year-end of 1925.

Appendix 1

Court roll entries for copyhold in bondage estates in the Manor of Burstwick, 1 April 1747 to 17 March 1756

Source: ERRAS, DDCC(2)/80, Vol.1747-61.

1. Preston

Date of Court	Description of Estate	Total Rent			Total Fine			Ratio
		£	s.	d.	£	s.	d.	Fine/Rent
1 Apr 1747	Meadow		5	4¾	3	10	0	12.97
1 Apr 1747	Messuage, cottage, barn, land arable, meadow and pasture		11	8	8	16	8	15.14
13 Jan 1747/48	Messuage with barn		2	2	2	5	0	20.77
18 Jan 1747/8	Land arable, meadow and pasture		9	10	6	0	0	12.20
29 Mar 1749	House and garth		1	0	1	0	0	20.00
4 October 1749	Land arable, meadow and pasture		9	2½	3	10	0	7.60
13 Dec 1749	Land arable, meadow and pasture		4	6	3	0	0	13.33
31 Jan 1749/50	Land arable, meadow and pasture		9	0	5	0	0	11.11
21 Mar 1749/50	Land arable, meadow and pasture		9	0	5	0	0	11.11
4 July 1750	Cottage and garth			8		6	0	9.0
3 Oct 1750	House and garth			2		6	0	36.0
31 Oct 1750	House and garth		1	0	1	0	0	20.0
26 June 1751	Land arable, meadow and pasture		4	6	3	0	0	13.33
26 June 1751	A cottage with appertinances		1	7	2	0	0	25.26
13 Nov 1751	Land arable, meadow and pasture	1	5	0	14	3	0	11.32
4 Dec 1751	Two houses, a croft and a barn		1	8	4	0	0	48.0
8 Jan 1752 (NS)	Land arable, meadow and pasture		4	6	3	0	0	13.33
1 Apr 1752	Messuages and a boon toft		2	2		16	9	7.73
7 Mar 1753	Cottage, garth and arable land			9	1	6	8	35.6
3 Oct 1753	House and garth		1	0	1	0	0	20.0

12 Dec 1753	Messuage with buildings, toft, two cottages, land arable, meadow and pasture	2	6	0½	30	0	0	13.04
6 Feb 1754	Messuage and a boon toft		2	2	1	0	5	9.42
11 Dec 1754	Messuage and a boon toft		2	2		16	9	7.73
22 Jan 1755	Cottage garth and arable land			9		2	6	3.33
1 Oct 1755	Messuage with boon toft		2	2	2	10	0	23.08
1 Oct 1755	Garth			0		5	0	--
1 Oct 1755	Land arable, meadow, and pasture	1	11	7	10	10	6	6.66

2. Burton Pidsea

Date of Court	Description of Estate	Total Rent			Total Fine			Ratio
		£	s.	d.	£	s.	d.	Fine/Rent
22 Apr 1747	House and garth, land arable, meadow and pasture		12	1	7	0	0	11.59
13 Jan 1747/8	House and garth, land arable, meadow and pasture		4	2	3	0	0	14.4
14 Dec 1748	Messuage with buildings and barn, closes and tofts. Land arable, meadow and pasture	2	13	4	7	10	0	2.81
4 Oct 1749	Land arable, meadow and pasture		12	5	4	0	0	6.44
4 Oct 1749	House and garth, land arable, meadow and pasture		1	2		15	0	12.86
1 Nov 1749	2 acre close		1	4	1	10	0	22.50
31 Oct 1750	Land arable, meadow and pasture	3	2	0	35	0	0	11.29
10 April 1751	A cottage			1		5	0	60.0
10 April 1751	Messuage with garths		1	8	1	10	0	18.0
26 June 1751	Meadow or pasture ground. Beastgates		3	0	4	10	0	30.0
3 Oct 1751	House and garth			1		5	0	60.0
13 May 1752	Cottage with garth			5		12	6	30.0

4 Oct 1752	Messuage with appurtenances. Land (meadows or pasture?). A beastgate		6	10	2	10	0	7.32
4 Oct 1752	House and garth			2½		10	0	48.0
17 Jan 1753	House and garth, land arable, meadow and pasture		19	9	9	0	0	9.11
2 May 1753	Land arable, meadow and pasture House and orchard	3	17	4	35	10	0	9.18
2 May 1753	A parcel of meadow or pasture			10		15	0	18.0
3 Oct 1753	Messuage and garth		3	4	2	10	0	15.0
3 Oct 1753	A messuage, land arable, meadow and pasture. A beastgate		6	10	2	10	0	7.32
2 Oct 1754	A cottage			1		5	0	60.0
7 May 1755	Cottage and garth, land arable meadow and pasture		3	7	1	10	0	8.37
28 May 1755	Land arable, meadow and pasture		7	1	3	0	0	8.47
4 Feb 1756	Cottage and garth			3	1	0	0	80.0
17 Mar 1756	Land arable, meadow and pasture		1	10	1	16	0	19.64

3. Keyingham

Date of Court	Description of Estate	Total Rent			Total Fine			Ratio Fine/ Rent
		£	s.	d.	£	s.	d.	
1 Apr 1747	Intack with buildings, land arable, meadow and pasture		4	11½	2	5	10	9.24
1 Apr 1747	Parcel of a messuage, land arable, meadow and pasture		3	6¾	1	15	2¾	9.89
23 Jan 1750/51	Moiety of a third part of half a messuage, with buildings			1	1	0	0	240.0
13 Nov 1751	Two Intacks with buildings			2		10	0	60.00

16 Jan 1754	Messuage, or part of a messuage with buildings			4		7	6	22.5
17 Apr 1754	Messuage, or part of a messuage with buildings			4		6	0	18.0
12 June 1754	House and garth		1	4		14	0	10.5

4. Lelley

Date of Court	Description of Estate	Total Rent			Total Fine			Ratio
		£	s.	d.	£	s.	d.	Fine/Rent
1 Mar 1748/49	Messuage with buildings and garth, beasthouse, barn and close, land arable meadow and pasture, horse and beastgates		3	4	6	12	8	39.8
4 Oct 1749	Messuage with buildings, close, land arable, meadow and pasture		14	11	11	0	0	14.75
7 Mar 1753	Land arable, meadow and pasture, a beastgate		8	11	4	10	0	10.9
10 July 1754	Messuage with garth			1	1	10	0	360.0

5. Burstwick & Skeckling

Date of Court	Description of Estate	Total Rent			Total Fine			Ratio
		£	s.	d.	£	s.	d.	Fine/Rent
13 Apr 1748	Land arable, meadow and pasture		9	0	4	10	0	10.0
31 Jan 1749/50	Land arable, meadow and pasture		9	0	4	10	0	10.0
4 Dec 1751	Messuage with barn. Orchard, meadow and pasture ground		4	11	5	10		22.37

6. Elstronwick

Date of Court	Description of Estate	Total Rent			Total Fine			Ratio
		£	s.	d.	£	s.	d.	Fine/Rent
23 Nov 1745	Messuage with garth. A toft		1	0	2	0	0	40.0
1 Nov 1749	Land arable, meadow and pasture		6	8	2	0	0	6.0
3 Oct 1750	A moiety of a messuage and a half, land arable, meadow and pasture		17	0	6	0	0	7.06
13 Nov 1751	Messuage with buildings. Orchard garths and gardens. Land arable, meadow and pasture		8	0	4	17	6	12.19
2 May 1753	Arable land			1		2	6	30.0
2 Apr 1755	Land arable, meadow and pasture		3	4	2	0	0	12.0
1 Oct 1755	Land arable, meadow and pasture		8	6	6	0	0	14.12

7. Tunstall

Date of Court	Description of Estate	Total Rent			Total Fine			Ratio
		£	s.	d.	£	s.	d.	Fine/Rent
17 Apr 1754	Land arable, meadow and pasture		1	0	2	17	6	57.5

NOTES AND REFERENCES

To the chapter: A Copyholder

1. An alternative definition given by R.H. Tawney, *The Agrarian Problem in the Sixteenth Century*, 1912, p.292 is as follows:

‘A copyholder is a tenant by copy of the court roll, according to the custom of the manor, and this custom is primarily what regulates his rights and obligations’.

2. C. Clay, ‘Landlords and Estate Management in England’ from *The Agrarian History of England and Wales, Vol.V, 1640-1750*, 1985, p.200.
3. J. Whittle ‘Individualism and the Family Land Bond’, *Past and Present*, No. 160, August, 1998, p.52.
4. For an analysis of the types of copyholds reported by the Copyhold Commissioners, see appendix 1 of chapter six.
5. Evidence of copyholds for years in Durham and Hampshire is taken from M.E.Turner and J.V. Beckett, ‘The Lingering survival of ancient tenures in English Agriculture in the 19th Century’, 1998, p.101. Their original source for this information was from the Quarto edition of *General Views* of the agriculture of the English Counties, published in 1794-5. For Leicestershire, see the 21st annual report of the Copyhold Commissioners, 1863, where the lord of the manor, the Warden and Scholars of Merton College, Oxford, enfranchised a tenancy held copyhold for 21 years, renewable every 7 years.
6. Copyhold ‘at the will of the lord’, which could be in any one of the three forms of copyhold, inheritance, for lives or years, meant that the lord retained the fee simple or freehold of the estate. See E. Kerridge, *Agrarian Problems in the Sixteenth Century and After*, 1969, p.401.
7. On the Constable manors of Holderness, B. English states that the same (copyhold) rents had been paid, ‘for at least seventy years (from c.1508), and at Withernsea, for instance, this rent was 4d. per acre. See English, *The Great Landowners of East Yorkshire 1530-1910*, 1990, p.161. Even her subsequent figure for 1682 of total rents at Withernsea of £8: 10s. for 500 acres of copyhold land still equates to 4d. per acre.

It is not surprising therefore, that Professor English can write, ‘.... In 1917 there were still copyholds on the Burton Constable estate, the rents being so small that they barely covered the cost of collection’ (Ibid., p.162.).

8. Adkin, p.84

Customary Freeholders

Held of the lord of the manor
Governed by custom of the manor
Title by copy of court roll
Rents and services due to the lord

Ordinary Freeholders

Held of the Crown (or a mesne lord)
Governed by common law
Conveyance by deed of grant
No service as a rule, except implied fealty to the crown

Escheat to the lord of the manor

Escheat vested in the Crown (or mesne lord)

Minerals belong to the lord of the manor

Minerals belong to the tenant.

9. Kerridge, *Agrarian Problems*, p.41.
10. Manorial Customs, Manor of Burstwick, 1791. ERRAS, DDCC (2) 42/1, p.99.
11. There are many examples which can be quoted to show that entry fines on copyhold free estates, in the Manor of Burstwick, were restricted to one year's rent. A good example of a composite estate can be found in the court book of the Great Court, held at Preston on 13 December 1749. The homage jury confirmed the decease of a customary tenant Leonard Metcalf gent. of Preston and listed his holding, 'without impeachment of waste,' as follows: 'One house called White House containing one messuage and a half, rent 3s 4d. One oxgang of land called Austin's, rent 18s and three-quarters of an oxgang called Wilfleets, rent 13s 6d'. Leonard Metcalf junior, the eldest son and heir of the deceased was then admitted tenant to the estate and was ordered to pay an entry fine to the lord of £1: 14s: 10d. ERRAS, DDCC(2)/80, Vol. 1747-61.
12. In the process of enfranchisement, after 1841, court stewards were obliged to provide information for the Copyhold Commissioners of conditions prevailing on their manor. These returns were completed on a standard form made up of a number of questions. Of these questions number 16 asks 'state any custom relating to the payment of a fine'. Surviving examples of these forms for English manors may be found in the PRO, under classes MAF 9 and MAF 20. A good example for Holderness is MAF 20/104, relating to the Manor of Hompton, dated 3 September 1855, where Thomas Holden junior, the steward of the manor answers: 'The fine payable on admission is 2 years annual value on death and 1½ on purchase'.
13. In 1774, proposals for enfranchising the copyhold lands of the Manor of Burstwick were published by William Constable's agents. See chapter six, p.278.
14. See Adkin, pp.99-100.
15. The Act for the Limitation of Actions and Suits relating to Real Property, 3 & 4 Wm. c.27, s.28, 1833.
16. The Real Property Limitation Act, 37 & 38 Vict c.57 s.7, 1874. For an explanation see L.A. Goodeve, *The Modern Law of Real Property*, second edition, 1885, p.188.
17. The Rectory Manor of Easington court book, BIHR, CCAb12 Eas 4, p.352.
18. *Ibid.*, p.425.
19. Court book for the Manor of Burstwick, ERRAS, DDCC(2)80, 1747-61, p. 130.
20. Court book, the Rectory Manor of Easington, BIHR, CCAb12 Eas 4, p.230. Other examples which may be quoted from the court book of the Manor of Burstwick are as follows: On 16 January 1760, Robert Watson yeoman, 'prayed to the lord' to be

allowed to lease 2½ oxgangs of land in Preston, for a period of ten years to another yeoman, John Wressell. The court granted Watson's request. DDCC(2)/80, 1747-61, p.207. In December 1778, Nicholas Turner, a mariner and copyholder of Ridgemont, attempted to lease three closes of meadow in Burton Pidsea containing 40 acres to Martin Binnington, a shepherd of Ridgemont, for a six-year term. The court described this as, 'contrary to the custom of the manor', and it was only resolved when William Constable, the lord of the manor, authorised William Iveson, his understeward, to grant the licence DDCC(2)/80, 1772-82, p.336.

21. The Wills Act, 1 Vict c.26, 1837.
22. See Adkin, p.103.
23. Burton Pidsea enclosure award. RDB, AF/34/7.
24. In viewing this table, two points should be mentioned.
 - (1) The court rolls were not always consistent in stating the occupation or status of a copyholder. For example, in Keyingham, at a court held 14 June 1749, John Matthews described as a labourer, took possession of an Intack without buildings. At a later court of 4 October 1758, the same man now described as a yeoman, was admitted tenant to a parcel of a messuage. Similarly, Stephen Mainprise, a yeoman from Ottringham, took possession of a Keyingham oxgang at a court held 28 November 1750. On 19 May 1756, Stephen Mainprise, now described as a miller of Ottringham, also purchased a barn and one acre of land at Keyingham.
 - (2) Titles were not specific to a single group in the community. Freeholders were also designated yeomen, and many copyholders were often freeholders in the same manor.
25. J.L. & B. Hammond, *The Village Labourer 1760-1832*, fourth edition 1927, p.6.
26. J.Z. Titow, *English Rural Society 1200-1350*, 1969 p.89.
27. Tawney, *The Agrarian Problem*, 1912, p.64..
28. R.C. Allen, *Enclosure and the Yeoman*, 1992, p.73.
29. ERRAS, DDCC(2)43B(17).
30. ERRAS, DDX 595/141.
31. An excuse for non-attendance at court was known as an essoin.

CHAPTER 3

THE MANORS OF HOLDERNESS

Holderness is located in the south-eastern region of the East Riding of Yorkshire. Roughly triangular in shape, its eastern boundary stretches from just north of Barmston, southwards to Spurn Point. In the eighteenth century, the southern boundary ran east to west following the Humber from Spurn to the river Hull at Drypool.¹ The western boundary then followed the course of the river Hull, north as far as North Frodingham, before turning in a north-easterly direction to complete the triangle at the coast once more, north of the township of Barmston.

In the mid-nineteenth century, the area of Holderness was said to be 160,470 acres.² This figure and in fact any other quoted for the land area, can only be an approximation at any particular time because the North Sea relentlessly erodes the Holderness coastline at an average rate of about two yards per year. This constant loss of land was, however, partially offset in the eighteenth century by embanking work at the Cherry Cob Sand which added some 1,410 acres to William Constable's Holderness estate.³ Further drainage and embanking work over a long period of time at Sunk Island resulted in a gain of almost 7000 acres of fertile land, ownership of which fell to the Crown, and which largely remains Crown property to the present day.⁴

In an examination of Holderness manors, a first task must be to identify those which survived as working manors into the eighteenth century. Although the focus of attention here is directed to the post-1750 situation, it is helpful to look back in time to their origins.

In medieval times, Holderness was essentially manorial in character. After the Conquest, William I divided the lands of Holderness between his follower Drogo de Bevrere and the Archbishop of York. Of the 53 main Domesday entries of land held by Drogo in

Holderness all but four vills, Bilton, Halsham, Sutton and Wilsthorpe were described as manors.⁵ Of these 49 Domesday manors, 21 contained some copyholds in their open fields by the time of their parliamentary enclosure in either the eighteenth or nineteenth centuries, (see Table 3:1).

Table 3:1 Drogo's Domesday manors (surviving eighteenth-century manors containing copyhold land are highlighted in bold).

Aldbrough	Holmpton	Preston
Arram	Hornsea	Redmere
Barmston	Keyingham	Rimswell
Beeford	Kilnsea	Rise
Bewholme	Langthorpe	Roos
Brandesburton	Lissett	Rysome Garth
Burstwick	Little Hatfield	Seaton
Catfoss	Long Riston	Southcoates and
Catwick	Mappleton	Drypool
Chenecol	Marton	Sproatley
Cleeton	Newsome	Wassand
Dimlington	Northorpe	Waxholme
Easington	North Frodingham	West Carlton
Ellerby	Nunkeeling	Withernsea
Ganstead	Ottringham	Withernwick
Great Hatfield	Out Newton	Ulrome
Hilston and	Owbrough	
Owstwick		

In a similar fashion, out of the 25 manors and berewicks held by the Archbishop, recorded in Domesday, seven retained copyholds by the time of their enclosure in the eighteenth and nineteenth centuries, (see Table 3:2).

Table 3:2 The Archbishop of York's Domesday manors and berewicks (surviving eighteenth-century manors containing copyhold land are highlighted in bold).

Bilton	Leven	Sutton
Brandesburton	Monkwith	Swine
Burton Constable	Ottringham	Tickton
Catwick	Patrington	Wawne
Danthorpe	Rise	Weel
Eske	Routh	Welwick and
Flinton	Sigglesthorpe	Weeton
Great Cowden	Southcoates and	West Newton
Grimston	Drypool	Withernwick

Combining the two lists of lands held by Drogo and the Archbishop (including Drogo's four villas), it can be seen that out of a total of 78 Holderness manors and berewicks, some 28 still retained some copyhold areas in their open fields by the time of their parliamentary enclosure.

Between the Domesday survey of 1086 and 1290, when the law of Quia Emptores⁶ effectively ended the creation of new manors, a plethora of small manors appeared in Holderness. The Domesday outliers were all converted into full manors, and over a period of time, a number of smaller manors held by lay families and religious houses were created. In South Holderness alone, some 27 'new manors' appeared.

Table 3:3 Newly created manors in South Holderness which appeared post-Domesday, (surviving eighteenth-century manors in bold)

Parish	Post-Domesday manors
Burstwick	Great Nuthill (Nuttles) Ryhill Pagnell (Paull) Constable (Ellerker) Newton
Easington	Thornton in Easington Easington Rectory
Halsham	East Halsham
Keyingham	Saltaugh
Ottringham	Monkgarth (Prince's) Ottringham Marsh
Owthorne	South Frodingham Newsome and Frodingham Withernsea and Owthorne Withernsea with Owthorne Priorhold
Patrington	Patrington Rectory
Paull	Little Humber Paullfleet Up Paull
Skeffling	Skeffling Burstall Garth Winsetts
Welwick	Welwick Kelk Thorpe Ploughland Pensthorpe
Withernsea	Nevills

Source: VCH V

With notable exceptions such as Skipsea in the north,⁷ and Burstall Garth within Skeffling in the south,⁸ most of these 'new manors' were eventually absorbed into the larger manors, or their courts had been discontinued by 1750 reducing them to the status of 'reputed manor'. This gradual elimination of true manorial status was usually accompanied by a decline in the number of copyholders who became either freeholders, leaseholders or rack rented tenants.

The near monopoly of manorial control by a single, powerful, lord of Holderness, came to an end at the end of the thirteenth century.⁹ The ownership of manors became fragmented, with only the Manors of Burstwick, Easington, Skeffling and Kilnsea and Withernsea with Owthorne remaining together, being held from the reign of Edward II by a succession of Crown grantees.¹⁰ In 1558, the Crown granted these manors to Henry Neville, earl of Westmorland, who in turn two years later sold them to his son-in-law, Sir John Constable of Halsham and Burton Constable. From the purchase of these three manors, augmented by further acquisition of the Manors of Skipsea and Cleeton in 1628,¹¹ the Constables laid claim to the title Lord of the Seigniorship of Holderness and wherever possible attempted to increase manorial charges and restrict the rights of their customary tenants.

This ascendancy of manorial lords over their tenants, however, was not achieved without a struggle, as briefly referred to in chapter 1. The disputes that arose between lords and their tenants may have been commonplace and not restricted to Holderness, but those that related to the Constable family illustrate some of the local problems.¹² The main grievances of the Holderness copyholders related to their copyhold status, and to the manorial charges and customs either imposed on them, or ignored, by the lords. In the case of the Constables, the evidence we have is contained in the Proceedings of the Court of Chancery. In 1585 there

were a number of disputes between the copyholders of the Manors of Burstwick, Easington and Withernsea with Owthorne and Henry Constable, the son of the Sir John mentioned above. In the case of the Manor of Withernsea with Owthorne, ¹³ the copyholders claimed that certain customs, 'whereof the memory of man was not to the contrary', had largely been ignored by Henry Constable. They stated that Sir John, in his time, had given permission for their customs to be written down and they were ready to show such a document to the court. Contrary to the alleged customs, the copyholders complained that Henry Constable, 'did exact of them greater fines and set on them greater ameracements...'. Crucially they claimed, that like some of their fellow copyholders in the Manor of Burstwick, their entry fines had always been 'certain'. This meant that their status was copyhold free, a position that would have not only regulated their manorial charges but would also have given them the liberty to cut down trees and remove timber without first having the consent of the lord. Unfortunately for the copyholders, the two presiding Queen's justices ruled in favour of the lord of the manor, and thereafter the copyholders of this manor held their estates, to all intents and purposes, as copyholds in bondage, suffering all the restrictions inherent in that form of tenure.

Chancery court judgements did not always favour the lord, but they did serve both to settle disputes and also to place manorial customs, charges and practices on a firmer footing. In November 1585, a number of named copyholders of the Manor of Burstwick brought proceedings against Henry Constable in order to clarify a number of issues where disagreements had arisen with the lord of the manor. ¹⁴ Once again the status of the individual copyholders and the size of the entry fines were the foremost items on the list of issues. Other issues raised for clarification included the lord's amercement for non-attendance at the manor court, the husband's right to become a copyholder of the manor on marriage to a female copyholder, the right of an heir to be admitted on the rolls, 'in

reversion', the conditions governing the copyholder's ability to lease out his estate and the right to fell trees without the consent of the lord. These and other listed issues formed the basis of the copyholders' action against the lord. In reply, the court gave a ruling on each point of disagreement and ordered indentures to be drawn up, 'as a pacification or mean of perfect quietness touching all controversies which have grown between the parties...'. Because these disputes resulted in agreements over the character and rights of custom between the lord and his tenants, subsequent lords were unable to undermine custom and convert copies to leases, nor did tenants have any incentive to seek leases. Hence the survival of copyhold on these particular Holderness manors is to be substantially explained by these Elizabethan judicial decisions.

Such judgements made in the court of Chancery resulted in manorial incomes remaining very largely fixed at their sixteenth-century levels. In effect stewards in the early twentieth century were collecting rents with the same value as those gathered by their sixteenth-century predecessors. These were no longer significant as income, but served to mark an obsolete feudal relationship. Nonetheless, the limited financial profits from manorial lands did not appear to curb the desire of the two main landowners in Holderness, the Constables and the Bethells, from continuing to acquire manorial property. By the end of the seventeenth century, the Manor of Withernsea with Owthorne Priorhold had been added to the Constable estate and although William Constable sold the Manor of Paull in 1769, the family still owned 12,594 acres of land in 1801,¹⁵ much of which was manorial.¹⁶ Even the subsequent unbusinesslike and extravagant nature of Sir Thomas Aston Clifford Constable (1807-70) did not bring the estate to its financial knees. By 1875 the Constables' total landownership in the East Riding was still 10,981 acres and when Sir Frederick Augustus Talbot Clifford Constable (1828-94) wrote in answer to his steward's request to reduce the tenants' rent in October 1885;

‘... I see nothing but ruin staring me in the face. I had far better sell the East Riding Estate altogether than carry it on with great anxiety and, as I much fear I am doing, at a considerable loss...’¹⁷

it was clearly an exaggerated and doom-laden view by the baronet. In 1897, by which time the family name had become Chichester-Constable, the new head, Major W.G.R. Chichester-Constable was still lord of the Manors of Burstwick, Skeckling, Burton Pidsea, Easington, Sproatley, Withernsea, Owthorne, Keyingham, Kilnsea, Skeffling, Skipsea, Preston and Lelley. The only manorial casualty from the original purchase by Sir John Constable from Henry Neville in 1560,¹⁸ was Paull Manor, sold by William Constable to Benjamin Blaydes, a Hull shipbuilder, in 1769.¹⁹ It was not until the twentieth century that heavy selling drastically reduced Chichester-Constable’s landownership in South and Middle Holderness.²⁰ Then, with a very keen interest in business matters, it was W.G.R. Chichester-Constable, as 44th Lord Paramount of the Seignior of Holderness, who worked closely with his son, Raleigh, to gather in compensation monies at the extinction of copyholds from January 1926 onwards.²¹ (See appendix 1 for the family tree of the Constables of Burton Constable.)

If the Constables were the leading manorial lords and landowners in South Holderness, they had a serious rival in the north of the wapentake with the Bethell family. Branches of this family came to Yorkshire from Herefordshire late in the sixteenth century, residing mainly at Alne, near Boroughbridge in the North Riding, and Ellerton, near Holme-on-Spalding Moor in the East Riding. The first member of the family to settle in Holderness appears to have been a Roger Bethell, who became a Crown lessee of the manors of Rise, North Skirlaugh and Rowton in 1591.²² Roger’s grandson Hugh, later Sir Hugh, a prominent Parliamentarian in the Civil War and Governor of Scarborough Castle, succeeded in purchasing these manors in 1646.²³ It was Sir Hugh’s nephew, also called Hugh, who ensured the prosperity of the Holderness Bethells by a judicious marriage in 1690 to the co-

heiress of William Dickinson of Watton Abbey. Apart from the Watton Abbey estate, the marriage also brought the Manor of Great Hatfield in Holderness to the Bethells. Hugh Bethell's direct descendents (see appendix 2 for the family tree of the Bethells.) then steadily purchased land and manors²⁴ in the northern part of Holderness so that by 1875, their East Riding estate of 13,395 acres and numbers of Holderness manors held, both exceeded that of their rivals, the Constables.²⁵ In Table 3:4 it can be seen that the Bethells had copyhold tenants in the manors of Dringhoe, Hornsea, Leven, North Frodingham and Sigglesthorpe.

No other single family held manors in Holderness to anything like the same degree as the Constables and Bethells. Even the largest landowners in the East Riding, the Sykes of Sledmere, held only the Manors of Hollym, Ryhill and Camerton and Roos, the last named manor being acquired as a consequence of another marriage in 1764, when the rectory living proved to be a useful placement for two family members and an in-law.²⁶ However, when the Rev. Christopher Sykes died and was followed by two daughters, it was not long before the manor was sold in 1871 to Thomas Crust.²⁷

Whilst many of the smaller manors faced extinction and the elimination of their copyholds, a number of Holderness manors which contained land held by customary tenure, and which continued to be administered by a lord's steward holding regular courts and transacting surrenders and admissions,²⁸ survived intact into the period of parliamentary enclosures. Enclosures obtained by private, and later general acts of parliament in the eighteenth and nineteenth centuries, took care to maintain pre-enclosure tenures and this condition preserved the presence of copyholds held in the various Holderness manors.

An analysis of the quantities of copyhold land existing in each parish, or manor, at the time of enclosure, is examined in chapter 5. This present chapter concentrates on identifying the

Holderness manors which had either retained or lost their customary land by the time they were enclosed by act of parliament. This information appears in Tables 3:4 and 3:5.

Table 3:4 Holderness manors which contained some areas of copyhold land in the open fields at the time of their parliamentary enclosure.

	Parliamentary Enclosure	Date of Award	Manor(s) Involved	Lord (Lady) of the manor at the time of the enclosure
1	Aldbrough	1766	Aldbrough	Hugh Andrew
2	Beeford	1768	Beeford	Thomas Acklam
3	Burstwick and Skeckling	1777	Burstwick	William Constable
4	Burton Pidsea	1762	Burstwick	William Constable
5	Dringhoe, Upton & Skipsea Brough	1763	(1) North Frodingham (2) Skipsea	Hugh Bethell William Constable
6	Easington	1771	(1) Easington, Kilnsea and Skeffling (2) Thornton in Easington (3) Easington Rectory (4) Dimlington (Not enclosed)	William Constable The Crown The Rector, lessee of the Archbishop The Copyholders
7	Elstronwick (Elsternwick)	1813	(1) Burstwick (2) Elstronwick	Francis Constable Philip Blundell
8	Hollym and Withernsea	1797	(1) Hollym (2) Withernsea	Sir Christopher Sykes Edward Constable
9	Holmpton	1807	Holmpton	Joshua Haworth
10	Hornsea	1809	Hornsea	Charlotta Bethell
11	Keyingham	1805	Burstwick	Edward Constable
12	Kilnsea	1843	(1) Easington, Kilnsea and Skeffling (2) Thornton in Easington	Sir Thomas Aston Clifford Constable The Crown
13	Lelley	1770	Burstwick	William Constable
14	Leven	1796	Leven	William Bethell
15	North Frodingham	1808	North Frodingham	Charlotta Bethell
16	Ottringham	1760	Roos	Richard Sykes

17	Owthorne	1815	(1) Withernsea with Owthorne (2) Withernsea with Owthorne Priorhold parcel of Kirkstall	Francis Constable Francis Constable
18	Patrington	1777	(1) Patrington (2) Patrington Rectory	Henry Maister Rev. Nicholas Nichols, Rector
19	Preston	1777	(1) Burstwick (2) Preston Rectory	William Constable Francis Bielby, lessee of the sub-dean of St. Peter's, York
20	Roos	1786	Roos	Sir Christopher Sykes
21	Sigglesthorpe	1781	Sigglesthorpe	William Bethell
22	Skeffling	1765	(1) Burstall Garth (2) Easington, Kilnsea and Skeffling (3) Thornton in Easington (4) Out Newton	Marmaduke Prickett William Constable The Crown Rev. William Mason and the children of Andrew Perrott
23	Skipsea	1765	(1) Cleeton (2) Skipsea	William Constable William Constable
24	Sproatley	1763	Burstwick	William Constable
25	Tickton Carr	1792	(1) Beverley Water Towns (2) Beverley Chapter	Charles Anderson Pelham Christopher Keld, lessee of the Crown
26	Tunstall	1779	(1) Roos (2) Burstwick (3) Tunstall	Rev. Mark Sykes William Constable John Grimston
27	Ulrome	1767	Ulrome	John Rickaby
28	Weel Carr	1786	Beverley Water Towns	Charles Anderson Pelham
29	Welwick and Weeton	1771	(1) Welwick Provost (2) Weeton (3) Kelk (4) Holmpton	Henry Ralph Crathorne Robert Dingley & wife Thomas Owst Francis and Jane Wilkinson

Source: Parliamentary enclosure acts and awards.

Table 3:5 Holderness parliamentary enclosures showing only freehold, or freehold and leasehold land, in the open fields.

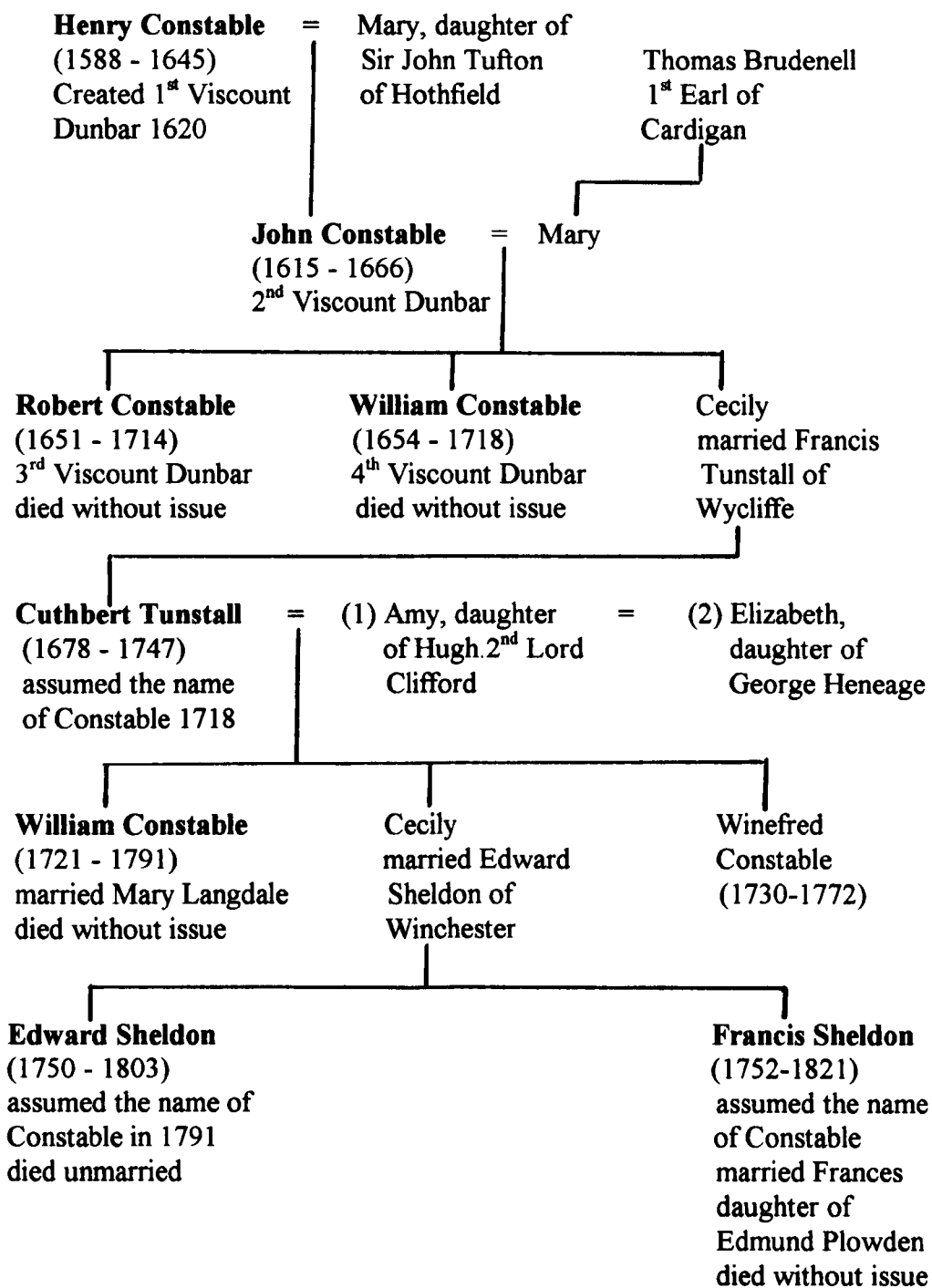
	Parliamentary Enclosure	Date of Award		Parliamentary Enclosure	Date of Award
1	Atwick	1772	16	Ottringham	1760
2	Barmston ²⁹	1758	17	Out Newton	1757
3	Barmston and Winton	1820	18	Paull	1822
4	Bewholme	1740	19	Rimswell	1822
5	Brandesburton (Moor)	1847	20	Rowlston	1860
6	Catwick	1732	21	Ryehill and Camerton	1810
7	Coniston in Swine	1790	22	Southcoates	1757
8	Danthorpe	1735	23	Summergangs in Drypool	1748
9	East Newton	1772			
10	Flinton	1752	24	Sutton-on-Hull	1768
11	Great and Little Cowden	1772	25	Thorngumbald	1758
12	Lissett	1772	26	Withernwick	1814
13	Long Riston and Arnold	1778	27	Wyton	1763
14	Mappleton	1849			
15	Marfleet	1764			

Source: Parliamentary enclosure acts and awards

Tables 3:4 and 3:5 show that the number of parliamentary enclosures in Holderness which included copyhold land was approximately one half of the total of 56 awards, and if the individual components of the Manor of Burstwick are taken as separate manors, Table 3:4 lists 35 manors with some elements of copyhold land in their open fields at the time of parliamentary enclosure.

Appendix 1

Genealogical descent of the Constable family



Thomas Hugh Clifford

(1762 - 1823)

great-nephew of Amy Clifford (see above)

assumed Constable name in 1821

created baronet 1815

married Mary McDonell, daughter of
John Chichester of Arlington, Devon

|

**Sir Thomas Aston Clifford
Constable**

(1806 - 1870)

=

Marianne, daughter of
Charles Joseph Chichester
of Calverley, Devon

|

Sir Frederick Augustus Talbot Clifford Constable

(1828 - 1894)

married Mary Herring of St. Mary's Scilly Isles

died without issue

Lt.-Col. Walter George Raleigh Chichester

(1863 - 1942)

A second cousin of Sir Frederick A.T.C. Constable

He added the Constable name in 1895

married Edith Florence Mary Smyth-Pigott

|

**Brig. Raleigh Charles Joseph
Chichester-Constable**

(1890 - 1963)

married Gladys Consuelo Hanley

|

Raleigh Charles Joseph Chichester-Constable

born 1927

The 46th Lord Paramount of the Seigniorship of Holderness

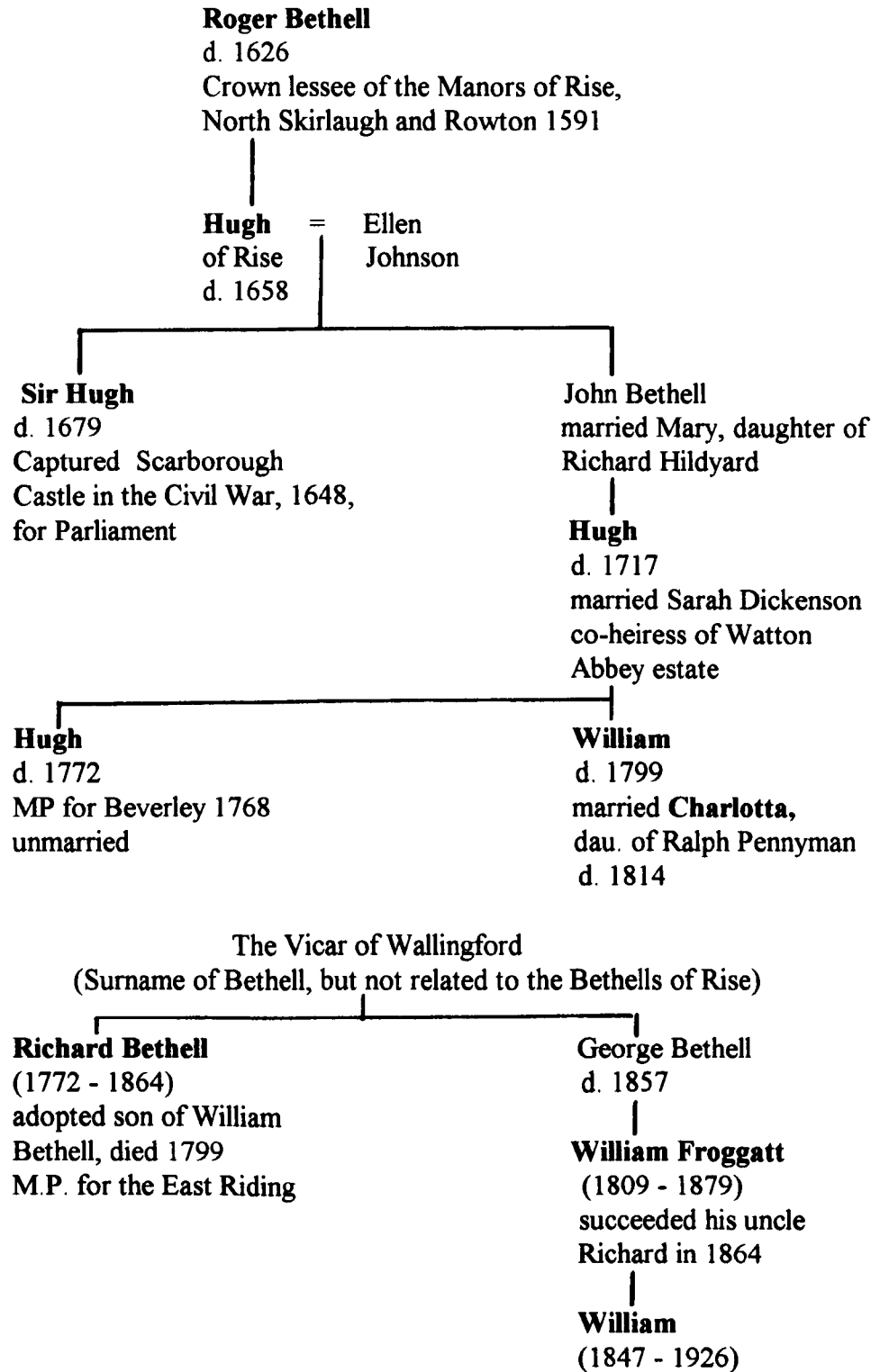
The names in bold denote owners of Burton Constable Hall.

The above family tree has been constructed from information given in the following sources:

- (1) I. & E. Hall, *Burton Constable Hall, A Century of Patronage*, Hull City Museums and Art Galleries, Hutton Press, 1991.
- (2) I. Hall and the Burton Constable Foundation, *Burton Constable*, Jarrold Publishing, 1994

Appendix 2

Genealogical descent of the Bethell family



The Lords of the Holderness manors are shown in bold type.

Sources: English, *Great Landowners*, 1990, pp.23-24; Poulson, Vol. I, 1840, p.408; Information ex Dr G.H.R. Kent; Burke's *Landed Gentry*, 1937 edition.

Figure 1

A section of the map of East Yorkshire drawn by Robert Morden in 1695 showing the wapentake of Holderness.

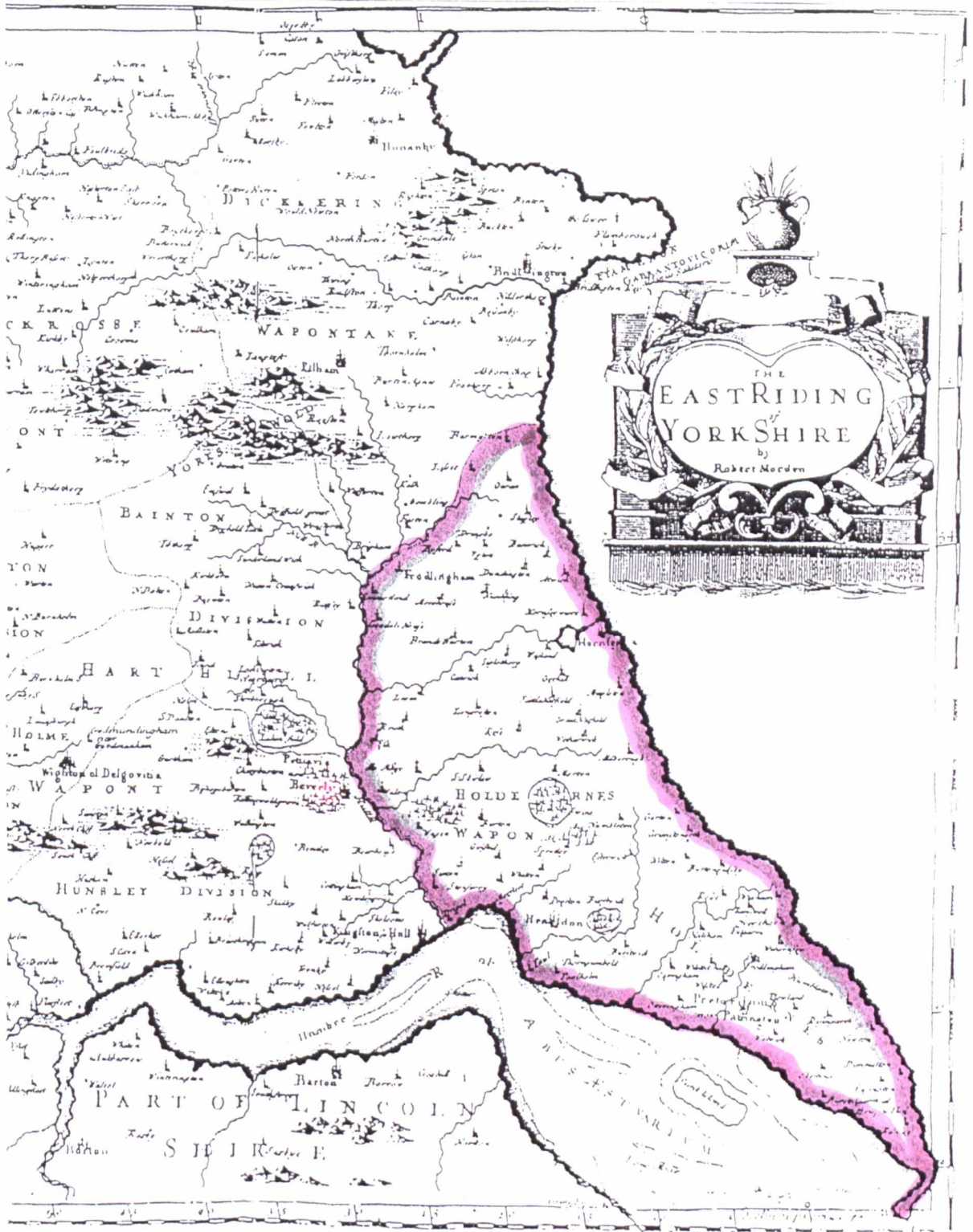
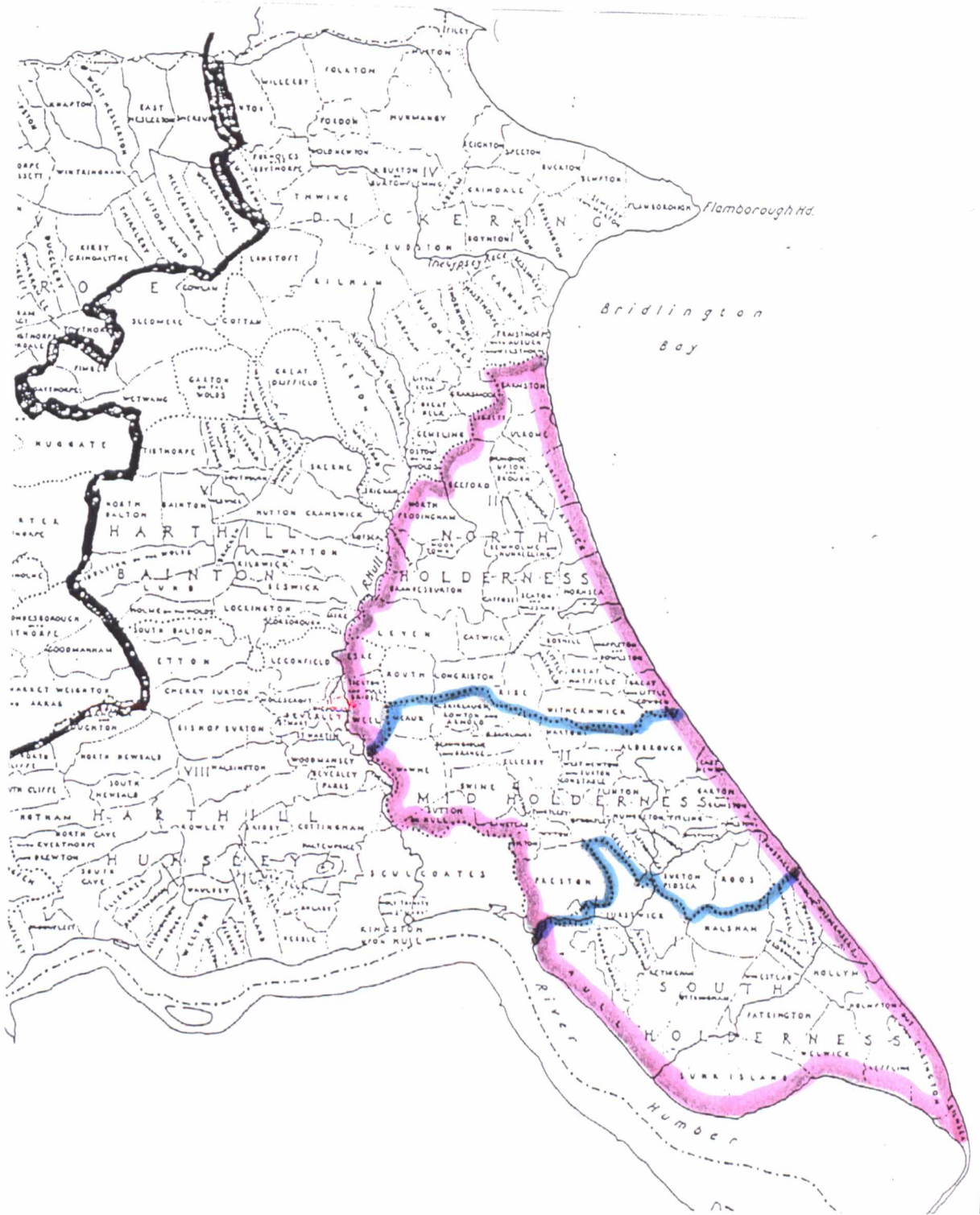


Figure 2

A section of the map of East Yorkshire showing the three Divisions of Holderness in the mid-nineteenth century.

Source: An Historical Atlas of East Yorkshire, edited by S. Neave and S. Ellis, University of Hull Press, Hull, 1996.



NOTES AND REFERENCES

To the chapter: The Manors of Holderness

1. The parish of Drypool was incorporated into the borough of Kingston upon Hull by 1837. VCH I, p.460.
2. S. & W., p.310.
3. This was achieved by 1771. VCH V, p.111 and p.113.
4. VCH V, pp.135-138.
5. A full transcript of the Holderness Domesday entries may be found in *Domesday Book, Yorkshire*, edited by J. Morris, Part One, Phillimore, 1986.
6. Statute of Westminster III (18.Edw.I)
7. The place name Skipsea did not appear in Domesday, but it is thought to have been included in the Manor of Cleeton.
8. Skeffling, like Atwick and Skipsea, did not appear in Domesday. Poulson erred in his *History of Holderness* mistaking 'Scachelinge' for Skeffling when in fact it referred to Skeckling. See Poulson, Vol.II, p.497.
9. When William de Forz III, the last count of Aumale and lord of Holderness died in May 1260, his widow the countess Isabella received the usual one-third dower portion. A description of how the Aumale fee finally dissolved is given in English, pp.53-54.
10. The history of the Crown grantees is given at length in Poulson, Vol.I, pp.45-78 and summarised in the VCH V, pp.9-10.
11. Information ex Dr. G. H. R. Kent.
12. For descriptions of disputes between lords and tenants on a national scale in the sixteenth century, see R.H. Tawney, *The Agrarian Problem in the Sixteenth Century*, 1912 and C.M. Gray, *Copyhold, Equity and the Common Law*, 1968. For the part played by the grievance of rising entry fines (gressoms) involving the north-western rebels in the Pilgrimage of Grace, see R.W. Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 2001.
My thanks to Professor Hoyle for bringing to my attention the Court of Chancery actions which are described in this section, and for providing me with transcripts of those actions, the originals of which are contained in the Chancery Decree Rolls in PRO.
13. PRO, C78/68/8.
14. PRO, C78/64/17.
15. J.T. Ward, *East Yorkshire Landed Estates in the Nineteenth Century*, EYLHS, No. 23, 1967, p.23.

16. It is difficult to state precisely how much of the Constable's estate was 'manorial', since they also held freehold manors, and other areas had fallen into the category of reputed, or even disputed, manors. The total copyhold acreage held by the Constables in Holderness was 8,211 acres. (See appendix 1, chapter 7. See also note 25, following.)
17. Ward, *Landed Estates*, p.24.
18. The list of manors granted to Henry Neville in 1558 and subsequently conveyed to Sir John Constable appears in letters patent from Charles II to John Constable, second Viscount Dunbar. The document is reproduced in full by Poulson, Vol.I, pp.90-96.
19. VCH V, p.115.
20. Some examples of land sales by Col. W.G.R. Chichester-Constable and his son Col. R.C.J. Chichester-Constable can be seen in the following table. The page reference numbers are taken from the VCH V.

Year of Sale	Property Sold	Acreage	Page Ref.
1912	North Park, Burstwick	332	10
1912	Nuthill Farm, Burstwick	294	10
1925	Kilnsea including Spurn Point	289	69
1933	Cliff Farm, Kilnsea	61	69
1948	Ridgemont Farm, Burstwick	349	10
1948	Wadworth Hill Farm, Burstwick	330	10
1948	South Park Farm, Burstwick	348	10
1948	Four farms at Keyingham	1,429	58

21. The volume, 'Register of Copyholds and Compensation' was written up in manuscript by Chichester-Constable's steward, a partner in the Hull firm of solicitors, Stamp, Jackson and Sons in 1925, and handed over to Col. R.C. J. Chichester-Constable. The Colonel then proceeded to enter into the register the details of each compensation agreement until 1938.
22. Information ex Dr. G.H.R. Kent. Details of the Bethell family are also given in B. English, *The Great Landowners of East Yorkshire 1530-1910*, 1990, pp.23-24.
23. Information ex Dr. G.H.R. Kent.
24. Holderness manors acquired by the Bethell family.

Manor	Year of Acquisition	Manor	Year of Acquisition
Rise	1646	Arnold	1712
North Skirlaugh	1646	Great Hatfield	1717
Rowton	1646	Catwick	1729
Carlton, Tansterne	1656	Sigglesthorpe	1731
Catfoss	1672	Leven	1742
North Frodingham	1674	Hornsea	1743
Withernwick	1703	Dringhoe	1743
Long Riston	1712	Lissett	1771

This table was compiled from information given by Dr. G.H.R. Kent and also from English, *Great Landowners*, pp.58-59.

25. Ward, *Landed Estates*, p.72. The acreages quoted by Ward for the Constables (10,981) and the Bethells (13,395) were taken from the *Return of Owners of Land 1873*, *Yorkshire East Riding* Vol II, BPP, C.1,097-1, published in 1875. Unfortunately neither Ward nor the BPP source state whether or not the acreages include copyhold as well as freehold land.
26. Sir Mark Sykes, the first baronet, was rector of Roos from 1735 to 1783. His grandson Christopher Sykes was rector from 1819 to 1841 when his son-in-law, the Rev. Charles Hotham then became the rector. Source: *All Saints' Church, Roos-in-Holderness*, Roos Parochial Church Council, 1955. The Sykes also laid claim to the reputed manors of Hilston and Owstwick.
27. Information ex Dr. G.H.R. Kent.
28. In the process of enfranchisement in the nineteenth century, it was usual for the Copyhold Commissioners to request evidence of title from the lord of the manor. Hence the following extract of a letter written by the Rev. William Potchett, lord of the Manor of Holmpton to the Copyhold Commission, on 3 August 1855:

‘By Indenture of Lease and Release 9-10 April 1834 my Trustees became possessed by purchase in fee simple of the Manor, or reputed Manor of Holmpton in Holderness . . . , with all the rights , royalties, privileges, rents, Courts etc. to the same belonging or appertaining. I have since held two if not three courts and have made several admissions. This I presume is a sufficient prima facie title.’

- Source, PRO, MAF 20
29. Barmston, Danthorpe and Flinton, along with Rimswell, Thorngumbald, Wawne and Wyton were not enclosed by act of parliament, but by agreement.

CHAPTER 4

**MANOR COURTS, OFFICERS, CUSTOMS AND
PROCEDURES**

‘The heart of a manor lay in its courts’.

- E. Kerridge, *Agrarian Problems in the Sixteenth
Century and After*, 1969, p.24.

At the beginning of the seventeenth century a manor might possess three distinct courts.

The foremost of these was the court baron. Of this court C. Watkins could write in 1797:

‘The court baron was absolutely incident to the manor. It was of its very essence: It appertained to it of necessity. It was inseparable (sic) from the barony; which could not even exist without it. And the suit of court, or obligation of attendance, was also inseparably incident upon the feud’.¹

Even into the twentieth century, it was still claimed that one of the three essential requisites for the existence of a manor was: ‘At least two free tenants in fee, subject to escheat and capable of forming the court baron’.² In origin, therefore, the court baron was the court of the freeholders of the manor where, ‘the suitors were the judges’, as a freeman could only be tried by his peers, and the court steward, who presided on behalf of the lord, acted in the capacity of a recorder.³

It was, therefore, perfectly feasible to have a manor with an active manor court, where no copyhold tenants existed. For example, a survey of the Manor of Burgage,⁴ which was a sub-manor of the Manor of Southwell in Nottinghamshire reported:

‘There are no copyhold tenants... The area of the Manor is two-thirds of a square mile and lies within the parish of Southwell. A few freeholders pay small quit rents. Burgage Green is about two acres in extent and the herbage on this and another small piece of common has always been let annually by the few suitors or toft-holders’.

In spite of the diminutive size of the Manor of Burgage, court rolls were carefully maintained and survive from 1806 down to 1916. In the case of Holderness, Paull, Halsham, Burton cum Membris and Lamwath were all described as 'freehold manors'.⁵

The lord's court baron ruled on the customs of the manor and punished wrong-doers. It dealt with disputes between tenants where, 'damages were less than forty shillings'⁶ and also regulated the use of the wastes and commons. Traditionally, the court was held every three weeks,⁷ but in practice a number of Holderness court barons were restricted to twice-yearly affairs, and in some cases were held much less frequently as for example in the Manors of Easington Rectory and Patrington Rectory⁸ In 1855, the lord of the Manor of Holmpton even admitted to only holding, 'two if not three courts' in a 21 year period between 1834 and 1855.⁹

The customary court was the court of the copyholders where transfers of copyhold estates were entered upon the rolls and copies of the entries were given to the new tenants. Like the court baron, the customary court was the lord's court, but here the lord or his appointed deputy, sat as judge and a number of copyholders acted as the jury, usually described as the homage. For the Manor of Burstwick with its numerous townships, Burstwick, Burton Pidsea, Keyingham, Preston, Skeckling and Sproatley, each appointed six jurors to constitute their homage, whilst Lelley and Elstronwick were served by three jurors each.

The third manorial type of court was the court leet. Adkin described this court as, 'a kind of early police court in which petty nuisances and squabbles arising upon the manor were adjudicated upon'.¹⁰ Put into a hierarchy of courts, Park considered it to be, '... the lowest level of Crown court dispensing criminal justice'.¹¹ In practice, the lord organised and ran the court leet on behalf of the Sovereign, where a jury of thirteen 'substantial men'

would be sworn in, 'for our Sovereign lord the king to enquire into and present all misdemeanours and all things presentable'.¹² In Constable's Manor of Burstwick and Maister's Manor of Patrington, the courts leet, usually with the title of View of Frankpledge, or sometimes Head Court, took place twice a year, on convenient days, within a month after Michaelmas and Easter.¹³

Taking the example of the Manor of Burstwick, the court leet jury in 1791 was made up of copyholders with the following representation from the various townships:

Preston,	3 jurors.	Keyingham,	2 jurors.
Lelley,	1 juror.	Burstwick,	1 juror.
Elstronwick,	1 juror.	Skeckling,	1 juror.
Burton Pidsea,	3 jurors.	Sproatley,	1 juror.

By 1750, many of the Holderness manors had amalgamated their courts into single sessions, and with petty criminal justice increasingly being dispensed by the East Riding Justices of the Peace, the work of the manor courts was mainly reduced to the business of copyhold land and property transfers and the appointment of a number of manor officials.¹⁴ In this amalgamation, even the court baron, once the ancient preserve of freeholders, was taken over by the copyholders of the manor. Elton and Mackay writing in 1893, long after the practice had been adopted in Holderness, were able to say;

'...there cannot be a court-baron without freeholders; but the name is also given by common usage to the customary court of the copyholders, which concerns the copyholders only and may be held without free tenants; and in the same way the word 'homage' is used to denote the jury of copyholders'.¹⁵

In spite of this reduced level of activity in the courts, apparent from the mid-eighteenth century onwards, the proceedings of the manor courts continued to be of vital significance since they represented the only means of conveying copyhold estates until 1925.

Including the two View of Frankpledge sessions, the number of manor courts held annually at Burstwick varied between eight and thirteen. The actual annual figures are shown in Table 4:1.

Table 4:1 Annual frequency of manorial courts held for the Manor of Burstwick between 1748 and 1781. Also showing the number of courts held when no business was transacted.

Year	Courts held	No business Transacted	Year	Courts held	No business transacted
1748	9	0	1765	11	2
1749	11	2	1766	9	1
1750	10	1	1767	8	1
1751	10	2	1768	9	0
1752	10	0	1769	8	0
1753	10	1	1770	11	0
1754	11	2	1771	10	1
1755	11	5	1772	11	1
1756	10	0	1773	9	1
1757	10	2	1774	9	1
1758	13	3	1775	9	1
1759	11	0	1776	10	1
1760	12	0	1777	11	1
1761	10	1	1778	11	2
1762	9	0	1779	12	2
1763	9	0	1780	9	2
1764	9	0	1781	12	2

Source: Court books of the Manor of Burstwick, ERRAS, DDCC(2)/80

It can be seen from Table 4:1 that it was not unusual for a court to be opened and then closed as there was no business to transact. This occasional lack of business was not unique to the Manor of Burstwick as evidenced by a letter dated 7 January 1811, written by Robert Spofforth junior, the Bishop of Durham's court steward for the Manor of Howden, to a fellow solicitor, Mr. Scholefield at Hull.:

'Dear Sir,

The Court for the Manor of Howden is on Saturday and will open exactly at eleven o'clock and will be over in all likelihood by half past as there is not in general much Business done at the Court held at this time of the Year'.¹⁶

Perhaps the only aspect of the manor courts of Burstwick which did not vary was that they were always held on a Wednesday.

By 1747, the courts baron and customary of the Manor of Burstwick had been joined together, functioning under the name of the Great Court. These sessions were held in a purpose-built court house at Burstwick, the exact location of which cannot now be identified, although it would appear to have still been in existence in 1843 when Arthur Iveson, the steward of the manor, ¹⁷ instructed the pennygrave of Preston to give notice to the copyholders of Preston to attend the next court leet (View of Frankpledge with the Great Court) at Burstwick. (See figure 1).

The Great Court of the Manor of Burstwick should, in theory have been held at three-weekly intervals. ¹⁸ In practice, and until 1842, it was rare for courts to be held after mid-July and they were not usually resumed until the first Wednesday after Michaelmas Day (29 September) at the earliest. The precise reason for this is not stated, but the most reasonable explanation was that the court allowed the tenants to work without interruption during the most time-consuming period in the agricultural calendar, the harvest.

The essential need for holding formal manorial courts in the manor was terminated with the passing of the 1841 Copyhold Act. ¹⁹ Section LXXXV11 of the Act stated:

‘... after the 31st day of December 1841, it shall be lawful for the lord of any manor, or his steward, or the deputy of such steward, to grant, at any time and at any place, either within or out of such manor, and without holding a court for such manor, any lands, parcel of such manor, to be held by copy of the court-roll or according to the custom of the said manor...’

After 1841 different manors adopted different policies in respect of holding courts. The last formal court session of the Manor of Easington Rectory took place in 1844. ²⁰ The Lords Feoffees of Bridlington in the East Riding decided in August 1886 that there was no longer a need to hold their annual court baron ²¹ whilst the last View of Frankpledge with the

Great Court for Constable's Manor of Easington, Kilnsea and Skeffling took place on 21 October 1892.²² The conservative Ecclesiastical Commissioners, lords of the Manor of Howden, continued to hold their manorial courts well into the twentieth century,²³ whilst Herbert Sheffield, the last steward of the Manor of Patrington called a Court Leet and View of Frankpledge with the Court Baron for 29 October 1925, a mere two months before the legal ending of copyholds. The wording of the precept to hold a court at Patrington in 1918 appears in appendix 1.

In the case of the Manor of Burstwick, Arthur Iveson, the newly appointed steward of the Constables, who had taken over his father's duties in July 1841, lost no time in adopting the principles laid out in the 1841 Copyhold Act. He presided over the last 'ordinary' Great Court session at the Burstwick courthouse on 5 January 1842²⁴ and thereafter held 'courts' at his Hedon office. Initially described as 'Special Customary Courts' they took place whenever it was found necessary to transact relevant copyhold business. Hence in the remaining eleven months of 1842, Iveson held no fewer than nineteen 'Special Customary Courts', eighteen of which were recorded as having taken place at his Hedon office, and one at the office of a fellow solicitor, Thomas Bentley Phillips, in Beverley. Iveson had no scruples about breaking with tradition. In his first year in office, two courts were held in August and one in September, whilst all the days of the week were used except, of course, the Sunday.

In addition to the 'Special Customary Courts', Iveson retained one annual View of Frankpledge court, more completely styled the View of Frankpledge with the Great Court. These courts were held late in September or more usually in the month of October. They were maintained throughout the nineteenth century and into the twentieth, the last being held at Burstwick on 24 October 1912.²⁵ From 1872, the office of court steward was occupied by various partners from the Hull law firm of Stamp, Jackson and Birks (later

Stamp, Jackson and Sons), and over the last twenty years of the court's existence, the difficulty of holding courts at Burstwick becomes apparent from their entries in the court book. In 1903, the court could not even be held, the recorded reason being given as, 'sufficient copyholders not being present'.²⁶ The number of copyholders sworn to serve on the View of Frankpledge jury, the affeerors and the homage jurors for the component townships varied quite markedly from year to year as Table 4.2 shows. In most cases there was a doubling- up of duty on the two juries.

Table 4.2 Annual View of Frankpledge with the Great Court sessions held for the Manor of Burstwick. Numbers of copyholders sitting on the jury, the affeerors and the homage, 1894 to 1912.

Court Held	View of F.P. Jurors	Affeerors	Homage Jurors
1894	17	4	17
1895	11	3	11
1896	11	3	11
1897	11	4	11
1898	9	4	9
1899	7	4	7
1900	6	4	6
1901	6	2	6
1902	6	2	6
1903	No court held	No court held	No court held
1904	9	2	9
1905	4	2	4
1906	5	2	5
1907	6	2	6
1908	9	Not stated	7
1909	12	Not stated	Not stated
1910	9	2	9
1911	7	2	7
1912	11	2	11

Source: Court books of the Manor of Burstwick, ERRAS, DDCC(2)/80. 1894-1914.

Manor Court Officials

The court baron and the customary court were the courts of the lord of the manor. In theory, the lord could preside over these sessions of manorial freeholders and copyholders, but in practice the lord delegated his authority to a steward, or understeward,²⁷ who ran the courts as the lord's representative. In Holderness, from the eighteenth century onwards, the manor court stewards, or understewards, were always attorneys-at-law.²⁸ An examination of the office holders of steward of the Great Court of the Manor of Burstwick, also reveals a picture of great stability where only four men held the post between the years 1704 and 1862.

The office of court steward was a lucrative post. Not only did the steward receive court fees and expenses from the lord, but in addition a case heard in 1819²⁹ established that: 'It was a good custom that a steward or his deputy may have the right to prepare all surrenders in the manor, for a fixed fee'.³⁰

It even seems possible that in one case at least, the earnings of the steward through the court exceeded the profits received by the lord of the manor. A report³¹ written by Edmund James Smith to the Ecclesiastical Commissioners, dated 26 October 1863, concerning the Archbishop of York's Manor of Southwell, stated:

'The Lord of the Manor is liable to the repairs of three small bridges at Southwell and the reparation of the Market Place, so that the Revenue to the Lord is small, but to the steward is considerable'.

To these appointees, therefore, the holding of courts was a valuable element in the earnings of an eighteenth-century attorney-at-law. No legal firm can have exploited this source of income more than the Ivesons of Hedon, who in three generations kept court for the Constables in Holderness from 1766 until 1862.³² The work of an eighteenth-century

country attorney was wide ranging, a fact revealed in the diary of the wife of a former clerk to William Iveson (1729-87). About Iveson, she wrote:

‘He was seldom at home ... for, when he was not engaged on enclosure or drainage work, there was other legal or manorial court work to be done which took him away from Hedon’.³³

On court days the steward would always be accompanied by a clerk whose job it was to take notes of the proceedings which were later written up as court files, or rolls, and also copied into the court books. Although the court rolls and books were held by the steward, they were the property of the lord of the manor and the steward was obliged to surrender them to the lord on request.³⁴ Sometimes this was demanded by the court, an example being the case of Jonathan Midgeley, the Beverley attorney, who was appointed steward for the Manor of Aldbrough in North Holderness on 22 December 1750. Four months later it was found necessary to deliver a precept from the court to Henry Waterland, the out-going steward, to hand over the court records to Midgeley.³⁵

The Copyhold Act of 1841³⁶ affected the work of manor court stewards in a number of ways. The ending of the requirement to hold formal court sessions and the ability to transact surrenders and admissions in the steward’s own office, away from the manor has already been touched upon earlier in this chapter, but the promotion of enfranchisements, converting copyhold to freehold, incurred additional work for the stewards. Under the terms of the Act, stewards were now required to furnish information both to independent valuers and also to the Copyhold Commissioners, concerning details of the tenants, their holdings and the conditions of their tenure.³⁷ This administrative burden was subsequently increased by later legislation whereby stewards could be obliged to produce manorial books and documents, and to show evidence of the lord’s title if required by the Commissioners.³⁸

Taking enfranchisements to their complete and logical conclusion in any manor would clearly mean the elimination of conveyancing by surrender and admission, and end all further copyhold duties undertaken by the lord's steward. For this reason, therefore, it is not surprising that the 1841 Copyhold Act, passed to facilitate the enfranchisement of copyholds, contained a section regarding, 'sums payable for compensation to the steward', for loss of office.³⁹ The 1841 Act did not specify how this payment was to be calculated, and it was left to the 1852 Copyhold Act to clarify that compensation should be:

'... such a sum as the said (Copyhold) Commissioners may direct, and in the absence of such direction ... a sum as will amount to one set of fees on surrender and admittance for each of the tenements in such enfranchisement, such fees to be calculated according to the reasonable custom of the manor'.⁴⁰

The 1852 Copyhold Act brought in compulsory powers of enfranchisement and J. Cuddon, himself a member of the legal fraternity,⁴¹ was quick to point out that an enfranchisement created more work for a steward than an ordinary admission, and since the enfranchisement compensation was only equivalent to the fee received for a standard admission, the steward was poorly compensated and received nothing for his 'loss of office'. Writing in 1865, Cuddon suggested that this circumstance, 'may perhaps account for enfranchisement not generally finding favour with stewards of manors'.⁴²

A more equitable scheme of compensation was included in the 1894 Copyhold Act⁴³ whereby the steward's compensation was based upon a sliding scale of fees according to the monetary value of the enfranchisement consideration. At the bottom end of the scale, the steward received a fee of five shillings when the enfranchisement was less than one pound. At the top end of the scale, the steward received £7 for values up to £100. Thereafter a further ten shillings was added for each £50 above the £100 mark.⁴⁴ Finally these 1894 compensation values were revised upwards in the 1922 Law of Property Act.⁴⁵

At the Great Court of the Manor of Burstwick, the steward's chief officer was known as the pennygrave. The word was a local term denoting bailiff, but in other parts of Yorkshire, different manors adopted different titles for the court's chief officer. Whilst the terms 'grave', 'headgrave', or 'pennygrave', were frequently used in South Holderness, the Bishop of Durham's courts in Howdenshire used the term, 'greeve'. The courts at Hornsea and Patrington called their chief officer, 'foreman', and further afield in Yorkshire, the term, 'bailiff', was commonly applied. ⁴⁶

In Holderness, in the eighteenth and nineteenth centuries, the office of pennygrave was not filled by election but by the copyholders serving in rotation on an annual basis. In Preston, for instance, where the commonable land was divided into seven bydales, ⁴⁷ the copyholders served as pennygrave each year, in a set order, according as to how they held oxgangs of land in each bydale. This system of holding office by oxgang order applied not only to Preston but also to Burstwick, Burton Pidsea, Elstronwick, Lelley, Skipsea and Withernsea. ⁴⁸ At Easington, Keyingham and Kilnsea, Poulson stated that the office of pennygrave was executed by the order of messuages, or parts of messuages. ⁴⁹ In Holderness, it appeared to be the custom that female copyholders had the right to appoint a male deputy to act on their behalf. ⁵⁰

The duties of a pennygrave were quite extensive. It was his responsibility on receiving the precept from the steward to notify all the copyholders to attend court. After the steward had formerly opened a court session the pennygrave would call the roll of copyholders and listed down those who were present or absent, and recorded any essoins received. Each Michaelmas the pennygrave was responsible for collecting the annual quit rents from the copyholders, and delivering the money to the steward, together with a written account of amounts paid and in arrears. ⁵¹ 'Out of court', the pennygrave could accept surrenders by copyholders when accompanied by six fellow copyholders, who acted as witnesses. Such

surrenders would then be 'presented' by the homage at the next court session. In the case of a surrender, custom of the manor of Burstwick did not allow the pennygrave to hold a prior examination of a *feme covert* or a minor, this being the prerogative of the steward or his deputy.⁵² The pennygrave, when supported by six copyholders of the manor, could and frequently did accept surrenders to the use of a person's will, but conditional surrenders involving mortgage surrenders were invariably dealt with by the court steward or his deputy.

In his role as bailiff of the manor, the pennygrave was responsible for carrying out the commands of the steward.⁵³ It was the pennygrave's duty, when instructed, to seize any copyhold estate which the court declared escheat to the lord. An entry in the court book shows that the pennygrave of Burton Pidsea was commanded by the steward: '... to level the fences of John Dickinson who has taken in and inclosed a piece of waste ground within the township without the licence of the Lord and contrary to custom'.⁵⁴

The court had the power to punish any copyholders who did not carry out their proper 'suits and services'. In the case of pennygraves, failure to take office could involve a substantial monetary fine. A warning proclamation might first be made as indicated by a court entry dated 17 January 1759 for Keyingham: 'Keyingham: Elizabeth Collinson and John Towns. A proclamation to appear and discharge their office of Penny Grave last year, ending Michaelmas last'.⁵⁵

A far more common occurrence was the failure of the copyholders to appear at court when summoned to sit on the homage jury. In most cases levying a fine for not serving on the homage appears to have been immediate, although there is one record of a proclamation made to William Dalton, Peter Davy, John Wright and Richard Goundrill, all of Preston, to come and serve on the homage'.⁵⁶ Table 4:3 gives examples of fines imposed on

copyholders of the Manor of Burstwick for not serving on the homage. Without more information, it now seems impossible to understand the logic behind the variation in the fines imposed.

Table 4:3 Manor of Burstwick copyholders fined for defaulting on the homage jury.

Court Held	Copyholders in Default	Sub-manor of the Manor of Burstwick	Fine imposed s : d
30 October 1754	Wilfrid Richardson	Keyingham	2 : 0
	Richard Edmonds	Keyingham	2 : 0
17 May 1769	Ralph Coleman	Preston	1 : 8
3 October 1770	Robert Farrah	Not stated	5 : 0
3 April 1771	Ralph Coleman	Preston	2 : 6
	Ralph Burnham	Preston	2 : 6
3 April 1771	William Bell	Elstronwick	2 : 6
10 December 1794	Robert Potchett	Keyingham	1 : 8
	Job Elletson	Keyingham	1 : 8
	Thomas Jackson	Keyingham	1 : 8
8 April 1795	Richard Caley	Preston	1 : 8
	Joseph Whisker	Preston	1 : 8
	William Wood	Keyingham	1 : 8
	Job Elletson	Keyingham	1 : 8
	Thomas Jackson	Keyingham	1 : 8
17 April 1811	Richard Caley	Preston	5 : 0

Source: Court books of the Manor of Burstwick. ERRAS, DDCC(2)/80, 1747-1813.

The homage jury contributed to the court proceedings by ‘presenting’ the changes that had occurred since the last court session. Chiefly they, ‘found and presented’ the deaths of copyholders and listened to the reading of the deceased copyholder’s will.⁵⁷ They then confirmed the name, or names, of the legal heir or heirs. In this way the homage acted, not in the modern sense of a trial jury deciding upon the guilt or innocence of a defendant, but as senior tenants of the manor who could vouch for their fellow tenants and their rights.

The homage, acting in the capacity of senior copyholders could also be asked to rule upon boundary disputes. An interesting example of this appeared in the court book of the Manor

of Burstwick concerning Burton Pidsea in 1770. Two copyholders of that township, namely Michael Suddaby and Thomas Dibney came into court 13 June 1770 and requested: '...that a homage might be summoned and sworn to make Inquiry and examine proper Evidences and set out by metes and bounds the Boundaries between the Houses and Garths held...' ⁵⁸ Accordingly five copyholders were sworn in and instructed to return at the next court session with their findings.

This particular boundary dispute was obviously not a simple matter to resolve because when the homage returned to court on 4 July 1770, they were unable to agree upon a verdict and asked for more time in which to carry out their deliberations. Finally at the View of Frankpledge with the Great Court session held on 3 October 1770, the homage returned with their verdict as recorded in the court book:

'Michael Suddaby shall remove his Gates to the place where they formerly have been, and shall permit and suffer the said Thomas Dibney to have free ingress, egress and privilege through the same for the convenience of repairing the house and that if the said Gates continue where they are ... Michael Suddaby shall make satisfaction for any damage that shall be done by his Cattle to the said Thomas Dibney's house and windows, and that Michael Suddaby shall pay all expenses attending to this dispute'. ⁵⁹

A further example of a homage staking out boundaries in 1790, in the Manor of Patrington Rectory is shown in figure 2.

The homage also had the power in a direct parallel to that of freehold property in common law, to determine on matters of inheritance. This is illustrated in a record of the Burstwick Manor court of 2 October 1771 concerning a moiety of a close of meadow or pasture land, and the 19th oxgang lying in Elstronwick, ⁶⁰ belonging to a Thomas Fairweather. The court book recorded that:

'Thomas Fairweather was bound apprentice to a sailor at age 16, sailed from London in a merchant ship into foreign parts, and has not been heard of for the space of 15 years last past, except by two

letters received by his relations, but whether wrote by him or not is very uncertain'.⁶¹

After due consideration, the homage:

'Find Thomas Fairweather is dead and find Ann, the wife of Zachariah Tiplady and Sarah Fairweather, spinster, sisters, are next heirs'.

The court entry then ended by stating that Sarah Fairweather, Zachariah Tiplady and his wife all came into court and prayed to be admitted tenants. Zachariah swore fealty⁶² and the three were then admitted.

In the course of their duties, homage juries were required at times to elucidate quite complex issues of inheritance. To do this, a good knowledge of the local community and sharp awareness of changes in the domestic scene, often over lengthy periods of time, were prime requisites needed by the homage. A case in point appeared in a court entry of 18 June 1760.⁶³ This related to a Theodosia Gale, a deceased spinster of Preston, who in life had been a copyholder of the Manor of Burstwick. The homage 'found and presented' that Theodosia Gale, had surrendered several selions of arable, meadow or pasture land in the open fields, held in bondage, and a messuage at the west end of the village, with adjoining close and 2¼ acres of meadowland held without impeachment of waste, all in Preston, on 12 November 1740:

'To the use of her, Theodosia Gale and the issue of her body and in default of such issue, to the use of Elizabeth Carter and Anna-Maria Welbeck, her sisters, for their lives in equal shares, and to the issue of their respective bodies, share and share alike. And in default of such issue to the use of Lydia Mattock, the daughter of William Mattock late of Ottringham, and the issue of her body for ever'.

Twenty years later, at the court held on 18 June 1760, the Preston homage were able to make the following verdict

'Theodosia Gale is now dead without issue. Also Anna-Maria Welbeck is dead without issue and Elizabeth Carter is still living aged 77 and upwards, without probability of issue. And Lydia Mattock is now wife of William Bellamy of Patrington, taylor, and

is intitled to the above lands and tenements in tail by virtue of the above surrender after the death of Elizabeth Carter'.⁶⁴

The court book entry ended by saying that William Bellamy and his wife Lydia then presented themselves in court and prayed to be admitted tenants of the manor for their estate, to be held in tail and in reversion after the death of Elizabeth Carter.

Homage juries for the various townships making up the Manor of Burstwick were appointed and sworn in at the View of Frankpledge with the Great Court sessions. In the case of a Quaker, such as William Mair of Burton Pidsea, active in the 1760s and 1770s, a simple affirmation was given and recorded in the court book. Individuals could be re-appointed in successive years and some copyholders continued in one office or another, into old age or even death. If the career of Peter Davy, a yeoman copyholder of Preston, is followed from entries in the court books,⁶⁵ we find a first reference to him appearing on 30 September 1747 when he is described as Peter Davy, the younger, and is sworn in as a member of the Preston homage. At the Great Court session of 23 December 1747, the homage, 'find and present' the death of Peter Davy senior, late of Preston, yeoman, and admit his son as heir to his father's estate which included a number of half acre parcels of land in the New Field, and also a messuage at the west end of Preston village. In accordance with the custom of the manor, Peter Davy was admitted in reversion after the death of his mother, Elizabeth.

Succeeding years saw Peter Davy appointed on many occasions to the two manorial juries and frequently acting as one of the two affeerors. His pattern of office holding is shown in Table 4.4. Eventually Peter Davy surrendered his Preston estate to the use of his will on 17 July 1772, and a subsequent entry of 30 September 1778 reported the death of Peter Davy, then described as, 'late of Preston, gent, deceased' and the admittance of his son and heir, also called Peter, to his father's copyhold estate at Preston.

Table 4:4. The office holding of Peter Davy, a copyholder of Preston, 1747-1776, as recorded in the court books of the Manor of Burstwick.

Date of View of Frankpledge with the Great Court session.	Jury member	Affeeror	Preston Homage jury.
30 September 1747	x	--	x
13 April 1748	x	--	x
5 October 1748	x	x	--
4 October 1749	--	--	x
18 April 1750	x	x	x
3 October 1750	x	x	--
10 April 1751	--	--	x
3 October 1751	x	x	x
1 April 1752	x	x	x
3 October 1753	x	x	x
17 April 1754	x	x	x
2 October 1754	x	x	x
1 October 1755	x	x	x
21 April 1756	x	x	x
5 October 1757	--	--	x
3 October 1759	--	--	x
9 April 1760	--	--	x
14 April 1762	x	x	x
5 October 1763	x	x	x
25 April 1764	--	--	x
3 October 1764	x	x	x
2 October 1765	x	x	x
2 April 1766	x	--	--
30 September 1767	--	--	x
6 April 1768	x	--	--
4 October 1769	x	x	x
18 April 1770	x	x	x
2 October 1771	x	--	--
22 April 1772	x	x	x
6 October 1773	x	--	x
6 April 1774	--	--	x
20 October 1776	x	x	x

Note: 'x' indicates when Davy was sworn into office.

Source: Court books of the Manor of Burstwick. ERRAS, DDCC(2)/80. 1747-82.

This pattern of almost continual office holding shown in Table 4:4 was not unusual and similar tables could be constructed for a number of other contemporary Preston copyholders such as Thomas Crosland, Ralph Coleman, William Burnsall, Robert Watson and various members of the Burnham family. Such continuity in office amongst a relatively small

number of resident copyholders must inevitably have led to some state of oligarchy, albeit of a fairly democratic nature. An example of this self-governing power wielded by the Burtswick Manor copyholders can be seen from a court entry of 7 February 1759.⁶⁶ In this Robert Watson wished to separate his copyhold estate at Preston from that of George Furbank and Furbank's mother Ann, where the two parties held the same land as tenants in common. The task of 'separating, awarding and allotting' land to each party was not undertaken by the lord of the manor, or his steward, but by William Burnsall and George Ake, both yeoman copyholders of Preston, 'being indifferently chosen and appointed', by the two parties in question.

At each of the two View of Frankpledge with the Great Court sessions, individuals on the main jury, the various township homagers and the pennygraves of the Manor of Burstwick, each received a payment of 4d. from the lord of the manor. This payment amounted in total to one guinea being paid at each session, with the following distribution of money:

Preston	3s 4d.	Keyingham	3s 0d.
Lelley and Elstronwick	3s 4d.	Burstwick and Skeckling	5s 4d.
Burton Pidsea	3s 4d.	Sproatley	2s 0d. ⁶⁷

The manor courts were also occasions when minor township officials would be appointed and sworn into office. Surprisingly, the recording of these appointments, which may not have been renewed annually, appear only rarely in the court book of the Manor of Burstwick from 1747 onwards. The last recorded appointment is that of John Northgraves, who became the pinder for Preston in 1842.

Table 4:5. A list of minor officials sworn in at the courts of the Manor of Burstwick.

Court held	Office holder	Township	Appointment
3 October 1753	William Clark Richard Jackson Hugh Wallis Robert Watson	Preston	Bylawmen

2 April 1755	William Taylor	Elstronwick	Pinder
29 March 1758	Francis Green	Burton Pidsea	Pinder
7 February 1759	William Milner	Preston	Pinder
9 April 1760	John Moorhouse	Preston	Pinder
9 December 1767	George Ake	Preston	Bylawman*
4 July 1770	Martin Stephenson	Burstwick	Tythingman
25 April 1821	William Bryan Thomas Salmond Robert Hodsell	Preston Burton Pidsea Lelley	Pinder Constable Constable
29 April 1840	John Robinson	Burstwick	Constable
26 October 1842	John Northgraves	Preston	Pinder

* 'Elected for the current year in the place of Ralph Coleman who has refused to take upon him the office and paid his fine for the same'.⁶⁸

Source: Court books of the Manor of Burstwick, ERRAS, DDCC(2)/80, 1747-1852.

Customs of the Manor

The rules which governed the conduct of any particular manor throughout England were the customs of that manor. In 1853, G.W. Cooke⁶⁹ wrote: 'The very soul of copyhold is custom. Every incident of the tenure is an effect of local custom obtaining against general law'.⁷⁰

A number of nineteenth century legal writers were at pains to explain that manorial customs varied from manor to manor. G.W. Cooke went on to say 'It would be in vain to attempt to enumerate, classify, or distinguish the innumerable diversities of manorial customs'.⁷¹ L. Shelford⁷² held similar views to Cooke regarding manorial customs and their variations, but expressed them in rather stronger language:

'Custom is said to be the life of copyhold tenure, and one of the greatest evils of the tenure arises from the multiplicity and uncertainty of customs in different manors. Each manor has for itself a system of laws to be sought in oral tradition, or in the court

rolls, or proceedings of the customary court kept often by ignorant and negligent stewards'.⁷³

The strength of custom of a manor was equated by C.M. Gray to the law in common law,⁷⁴ but in practice, and as its name suggests, custom of the manor simply meant how things had been done over a long period of time - often described as, 'from time immemorial' or 'from time out of mind', which in a strict legal sense could mean from the reign of King Richard the First.⁷⁵ G.W. Cooke, on the other hand, said in a more practical vein: '... twenty years regular usage, uncontradicted and unexplained is cogent evidence for a jury to presume that the custom is immemorial.'⁷⁶

In its observance, custom gave some protection to the tenants of the manor, particularly in restraining any lord from imposing increased or new financial burdens upon them. Taken as a whole, they provided the lord's steward and the tenants jointly with a set of rules by which the court proceedings, fines, rents and services on the manor were to be followed and executed. In medieval times, customs were sometimes written down in a document known as a custumal. In his chapter on Patrington, Poulson⁷⁷ included a list of 53 customs of that manor: '... as they have been used tyme without the mind of men; newly copied out, the 27th day of March, 1665, with the Queen's Majesty's tennants hands annexed...'

By 1750, following a long period of stability free from tenurial disputes between lord and tenant (see chapter one), the customs of the various manors in Holderness would have been well-known and generally accepted by the copyholders. Acknowledgement, therefore, required only the briefest of statements in the final paragraph of the admission copy given to each new tenant, as appeared for example in the copy of Mary Heron, the heir by will of her father, Henry Heron, deceased yeoman of Preston, on 3 May 1780:

'To hold to their Heirs and Assigns according to the custom of the said Manor for ever, By the Rents accustomed to be paid, done and performed for the same. She pays the Lord a fine for this her Estate

and Admission as appears in the margin hereof. She hath done Fealty and is thereupon admitted Tenant'.⁷⁸

Court Procedures

The routine workings of a Holderness manor court in the eighteenth century may be followed by studying the court books of the Manor of Burstwick⁷⁹ and a comprehensive document, written in 1791, giving details of court procedures, officers, juries, customs, fines, quit rents and other information for each of the townships of the Manor of Burstwick.⁸⁰

The precedence of Burstwick as the principal manor of Holderness was based on historical grounds whereby the medieval counts of Aumale having established their great manor house at South Park, close to Burstwick, used this site as the administration centre for their Holderness fee. Some account of the counts of Aumale and their position as lords of the liberty of Holderness has been given in chapter three. In medieval times, Burstwick was often referred to as Bond Burstwick,⁸¹ a name which clearly indicated the status of the villagers living there in those times.

The principal business of manorial courts in the eighteenth century was to receive the surrenders of copyhold estates and to record the admission of new tenants to the manor. This could take four main forms or variants, the simplest of these being when the original copyholder would appear in court, 'in his own proper person', and surrender to the lord his estate, to the use of a purchaser. The court would then admit the purchaser who would swear fealty⁸² and agree to abide by the customary suits and services of the manor.

The second variant, and by far the commonest form of surrender, occurred when a copyholder surrendered his or her estate, 'out of court' either to the steward or to the pennygrave supported by six fellow copyholders acting as witnesses. In this case, the

steward would testify at the next court that the surrender had taken place and admit the new tenant, the only difference being that it was not customary for fealty to be sworn by the new tenant whenever a surrender took place 'out of court'.⁸³

A third, routine variant occurred when a copyholder surrendered to the use of his or her will. This procedure was a device employed to circumvent the legal problem that it was not permitted to devise copyhold property directly by will, as was possible with freehold property under common law. The process of surrendering to the use of one's will allowed the copyholder to devise his property but did not impede any subsequent right to sell the estate. The need to surrender to the use of one's own will ended with the passing of the 1837 Wills Act⁸⁴ which stated:

'All real estate of the nature of customary freehold, or tenant right, or customary, or copyhold may be devised notwithstanding that the testator may not have surrendered the same to the use of his will'.⁸⁵

The fourth variant was known as a conditional surrender which as previously mentioned was a mortgage arrangement. The transaction usually negotiated was an equitable mortgage which did not involve a full, or complete surrender of the copyholder's estate.⁸⁶ The sum of money borrowed, the interest rate and the due date, would all be recorded on the court roll and a copy given to the borrower. The borrower then deposited his copy with the lender, who would subsequently return the document once the principal sum and interest had been paid off.⁸⁷ Only if the borrower failed to make the repayments would the lender be admitted fully to the estate as the new copyhold tenant of the manor.⁸⁸

A fifth surrender variant was also possible, although only two examples have been traced in the court books of the Manor of Burstwick.⁸⁹ This was the outright gift of the copyhold estate by one party to another. In both cases at Burstwick, it involved the transfer from father, or parents, to son. Possibly advancing years, or poor health, of the father may have

been one reason behind the surrender, but a similarly worded entry in the court book appears on each occasion, namely: 'In consideration of the natural love and affection which they bear the said ... and for his advancement in life ...'

Traditionally, all copyhold surrenders required the new tenant to grasp, or receive a rod, or staff, or some other symbol of ownership on admission, thus giving rise to the description of a customary tenant as holding his or her estate, 'by the rod' or 'by the verge'.⁹⁰ This act paralleled the ancient ceremony of 'feoffment by livery of seisin' whereby in medieval times the conveyance of freehold land was carried out standing on the ground in question, and the seller handing over a sod of ground or a tree branch⁹¹ to the purchaser. Some manorial courts kept an elaborately carved rod for use by the steward on admissions.⁹² The ceremony of touching the rod apparently survived in some areas to the legal end of copyhold. C. Swynnerton wrote of his experience in 1923: 'I was present once in the office of the steward of the Manor of Newcastle-under-Lyme when a copyholder came in to take his seisin. The particulars were entered, he was given his slip, and then the steward held out to him a rod like a school pointer, the end of which the claimant took in his hand for a moment, and the seisin was complete'.⁹³

The Manor of Burstwick used a different symbol to signify the surrender of a copyhold as the 1791 book of customs explained: 'A wheat straw with a knot in it must be annexed to each surrender when passed and the surrender must be presented in court before the homage jury and Inrolled within one year'.⁹⁴ Whilst this symbolic act of passing over a wheat straw with a knot in it may have taken place in the court house at Burstwick, there is no record of doing so in the court books for local surrenders either in or out of court. Only when surrenders took place at a considerable distance from Burstwick, when for convenience the steward would appoint another attorney-at-law to accept the surrender, 'for this time and purpose only' was a reference made to the wheat straw. Hence when

Robert Wallis, a joiner living in Duke Street, Middlesex, wished to sell a cottage and close of arable, meadow or pasture land at Burton Pidsea to Matthew Richardson, a yeoman of Burton Pidsea, William Iveson, the court steward, appointed James Geldard of Staple Inn, Middlesex, with instructions to accept the surrender, 'in writing by a wheat straw with a knot in it'.⁹⁵

Whilst the list of fifty-three customs of the Manor of Patrington printed in Poulson's *Holderness*⁹⁶ does not include a reference to surrenders being accompanied by the passing of a rod or wheat straw, the Patrington Manor court rolls do have the occasional reference to copyholders surrendering, 'into the hands of the Lord and by wheat straw with a knot in it according to the custom of the said manor'.⁹⁷ In addition, some Manor of Patrington surrender copies incorporated two incisions in the parchment through which a wheat straw of about three inches in length was inserted.⁹⁸ A survival of this practice is a document recording the surrender by the Rev. John Mansfield⁹⁹ of all his copyhold messuages, lands, hereditaments and premises within the Manor of Patrington Rectory, to the use of his will, on 2 December 1803. The text states that the clergyman, 'surrendered into the hands of the Lord, by the rod, by the hands and acceptance of the said Francis Pearson & John Wreghit...' ¹⁰⁰ (See figure 3).

Except for a minor variation at North Frodingham, all copyholds in Holderness, whether held in bondage or free, were copyholds of inheritance. Another major part of the court's business was to 'find and present' the death of a copyholder and to recognise the heir who would come into court to be admitted as the new tenant, swear fealty and pay his, or her, entry fine. Whenever possible the last will and testament of the deceased copyholder would be read out in court, a procedure which remained in force until the passing of the 1841 Copyhold Act¹⁰¹ which permitted the solicitor representing the deceased copyholder's heir to produce the will to the court steward, 'out of the manor'.

As with freehold estates, it was a common occurrence for copyholds to be devised in tail. This type of settlement protected the family's continued interest in any particular estate, but gave problems for the owner should he wish to sell. In a similar fashion to freeholds held in tail, the problem could be overcome and the tail barred in the manor court by a process known as suffering the recovery. This was an entirely fictitious action whereby the court went through a rehearsed procedure with the participation of a planted, 'tenant,' 'demandant' and 'second vouchee',¹⁰² positions often acted out by the steward's clerk. Hence when Henry Waterland was understeward of the court, his clerk William Iveson was frequently employed either as the 'tenant' or 'demandant'.¹⁰³ The complex procedure ended by the parties involved together surrendering the estate back to the original tenant, who recovered his estate, now divested of the tail.

Recoveries were a common occurrence in the Great Court of the Manor of Burstwick in the mid-eighteenth century, but became less frequent towards the end of that century. The requirement to bar an estate tail by the process of suffering the recovery ended with the passing of the Act for the Abolition of Fines and Recoveries 1833.¹⁰⁴ The forfeiture of copyholds by the process of escheat to the lord has already been mentioned in connection with the duties of a pennygrave. This action was not undertaken lightly or with undue haste. The procedure involved the calling of proclamations at three successive courts, thus giving the owners, or heirs, fair warning of an impending forfeiture. (See figure 4). Escheat to the lord could take place for a number of reasons as Table 4:6 shows. The table also shows that escheats most commonly occurred in connection with modest holdings such as with cottages or small tenements. Only one escheat involving land appeared in the Manor of Burstwick court books between 1747 and 1925. In this case, the displaced copyholder, William Bell of Elstronwick appeared at the next manor court to beg, 'the Lord's special grace and favour' to be reinstated to his lands.¹⁰⁵

Whenever an escheat occurred in the Manor of Burstwick with a cottage or small plot of land, it was usual for the property to be re-tenanted quite quickly to maintain the copyhold. This also provided the lord with a new opportunity to collect an entry fine, hence when a cottage and garth in Burton Pidsea, once occupied by Elizabeth Foster, was seized in 1757, the court promptly admitted John Tavender to the site on payment of £3: 3s: 0d.¹⁰⁶ Also when a parcel of waste ground measuring 14 x 16 yards and a disused pinfold, both in Burton Pidsea, were seized by the lord for, 'default of payment of copyhold rent', in May 1777, the brothers John and Richard Dales, local blacksmiths, were granted full possession and seisin on payment of an unrecorded fine.¹⁰⁷

The manor court was also involved in formalising the granting of the lord's licence to carry out actions which otherwise were, 'contrary to the customs of the manor'. In the main these were licences to demise (lease), or to 'commit waste', or to build upon open land, when the copyhold was held in bondage. In the first case, the manors of Holderness generally had the custom of allowing only short leases i.e. of one or two years' duration, to the sub-tenants. The custom of the Manor of Burstwick, in the eighteenth century, allowed a two-year lease,¹⁰⁸ and since this must have been well-known to the copyholders there, it seems surprising that an influential copyholder like William Bell of Elstronwick should have attempted to lease land at Burton Pidsea for 40 years in 1756. See Table 4:6 for a list of escheats to the lord.

Licences to demise for periods longer than two years were permitted if processed through the court and Table 4:7 lists those cases which have been identified in the court books of the Manor of Burstwick.

Table 4:6. Escheats to the lord. Examples from the court books of the Manor of Burstwick 1747-1925.

Court held	Name and occupation of copyholder	Township	Description of Property	Type of copyhold	Yearly rent s. d.	Reason for the escheat
10 April 1751	Thomas Foster Labourer (deceased)	Burton Pidsea	A cottage and a garth	Bondage	3	Died with no issue. No heir found.
15 May 1754	Grace Hollen (deceased)	Keyingham	A house and appertenances	Free	2 0 (upon every exchange)	No heir appeared to pay the entry fine and arrears of rent.
4 February 1756	William Bell gent and Elizabeth Ellis widow.	Burton Pidsea	¼ of an oxgang in the open fields. ½ oxgang of meadow in the Ings Carr, Lamber Dyke and the Greens.	Bondage	12 6	William Bell and Elizabeth Ellis had demised the land to John Bell for 40 years, contrary to the custom of the manor.
5 October 1757	Elizabeth Foster	Burton Pidsea	Cottage or tenement with garth containing 400 sq. yards	Bondage	2	Default of payment of rent and neglect of performing suit and services of court.

Table 4:6 (Continued)

10 December 1760	William Mitchinson yeoman	Burton Pidsea	Cottage, or site of a cottage on land 150sq. yards.	Bondage	1	Owner had committed waste; defaulted in payment of rent and neglect of performing suit and services of court.
21 February 1770	Late the property of Grace Hollen	Keyingham	Cottage, or site of a cottage.	Free	2	Owner committed waste; defaulted in payment of rent and neglect of performing suit and services of court.
28 May 1777	?	Burton Pidsea	A parcel of waste ground and a disused pinfold.	?	2	Default of payment of rent.
16 October 1816	Ann Keith (deceased)	Preston	A cottage known as Blue Hall and garth of 1r 35p.	?	?	No heir could be found.
27 October 1910	William Norton	Keyingham	Hereditaments	?	?	No heir could be found.

Source: Court books of the Manor of Burstwick. ERRAS, DDCC(2)/80, 1747-1914.

Table 4:7. Licences to demise granted in the Manor of Burstwick, 1760-1853.

Licence granted	Lessor. Resident of, occupation	Lessee. Resident of, occupation	Description of copyhold estate	Term of years
16 January 1760	Robert Watson of Preston, yeoman	John Wressell of Preston, yeoman	1) Messuage, house and garth. 2) 2½ oxgangs of land arable, meadow or pasture all in Preston.	10
31 December 1778	Nicholas Turner of Ridgemont mariner	Martin Binnington of Ridgemont Shepherd	3 closes of meadow or pasture ground containing 40 acres in Burton Pidsea.	6
23 April 1783	John Burnham of Preston yeoman	John Whisker, the younger, of Preston, butcher	1) Land in the South Field contg. 21a 2r 8p 2) Another allotment in the South Field containing 1a 3r 21p. 3) Open pasture at Salt End contg. 1a 0r 21p 4) A stable in Kirkholme 5) Land at the South End of Preston containing 1r 24p.	11
20 June 1853	Joseph Robertson Raines	Hugh Baxter of Humbleton, gent.	Land and buildings at Burton Pidsea.	3

Source: Court books of the Manor of Burstwick. ERRAS, DDCC(2)/80, 1747-1866.

Licences would not have been granted without a charge. Unfortunately, any licence fee charged by the lord in the four cases shown in Table 4:7 are not recorded in the corresponding court books. Similarly, when Robert Wood was granted a licence, 'to pull down and waste a cottage' at Preston, and James Shutt given permission, 'to take down a messuage' in the same township, at a court held at Burstwick on 7 June 1786, no fees are recorded. ¹⁰⁹ A few years later, however, when Ann Howard, a spinster from Sculcoates, purchased a copyhold estate in Burton Pidsea from James Bradshaw Pierson, her request two years later, 'to have leave to take down a decayed cottage', was granted on payment of

2s 6d to the lord of the manor, Edward Constable.¹¹⁰ Licences to demise in the Manor of Hornsea were granted for a standard fee of five shillings.

As mentioned earlier in this chapter, the manorial baron and customary courts of Holderness, from 1841 onwards, were gradually dispensed with in favour of carrying out surrenders and admissions by the stewards in their town offices, 'out of the manor'. Whilst this less formal, and obviously less visible procedure, may have been seen at the time as a more 'modern' and efficient way forward, it created in its wake serious problems in controlling copyhold estates. There is ample evidence from court book entries that heirs did not come forward to be admitted and the collection of quit rents, latterly the responsibility of appointed, 'rent collectors' was often quite ineffectual. Such problems became a factor in assisting the survival of copyholds in Holderness down to 1925. In addition, they generated a heavy workload for the manor stewards in their efforts to achieve compensation agreements with the tenants, to extinguish manorial incidents post 1925. These problems are discussed more fully in chapter six in the section which deals with the post 1925 copyhold situation.

Appendix 1**A precept by the steward of the Manor of Patrington to the manor bailiff to call a court on 31 October 1918 at Patrington.**

Source: ERRAS, DDRO 2/133(1).

‘The Manor of Patrington

To Arthur Norton
Bailiff of the Manor

You are required to give notice that the Court Leet and View of Frank Pledge with the Court Baron of His Majesty George V, Lord of the said Manor, will be holden at the Hildyard Arms on Thursday 31 October 1918 at 12 Noon and to warn all resiants (sic) and freehold and copyhold tenants of the said manor personally to be and appear at the place and time aforesaid to do and perform their suit and services and pay their quit rent fines and other duties as of right they ought to perform and render the same at such courts respectively.

And also to warn all Constables, tything men and other public Officers of the aforesaid Leet Manor then and there to attend and make and return their several presentments.

And you are hereby required to summon thirteen or more good and lawful men of the said manor to be and appear at the aforesaid place and time to enquire for our Sovereign Lord the King of all such matters as to the said court do appertain and be you there personally with the names of the persons you shall have so summoned bringing with you also this precept.

Given under my hand and seal this second day of October in the year of our Lord 1918.

George Arthur Robinson
Deputy Steward of the said Manor’.

**Figure 1. A precept by the steward of the Manor of Burstwick to the pennygrave of
Preston to call a Court Leet at Burstwick, 25 October 1843.**

Source: ERRAS, DDCC 141/25.

The Manor of } To Henry Cautley Pennygrave
BURSTWICK. } of Preston within this Manor greeting

YOU are hereby required to give Notice to all the Copyholders and Suitors of the Manor, within the Township of *Preston* that a *Court Leet* and great Court will be held at the Court House in BURSTWICK, for SIR THOMAS ASTON CLIFFORD CONSTABLE Baronet; Lord of this Manor, on WEDNESDAY, the *twenty fifth* Day of *October* and that they must appear there by the Hour c Ten o'Clock in the Forenoon of the same Day.

Hereof you are not to omit; and have you there then this precept. Given under my Hand and Seal, this *twenty second* Day of *September* in the Year of our Lord, One Thousand Eight Hundred and *forty three*

A. H. W.
Steward of the said Manor.

Figure 2. The homage jury of the Manor of Patrington Rectory setting out copyhold boundaries in Patrington, 1790.

Source: Author's own collection.

The Manor of
the Rectory in
Patrington

To wit the Court Baron
of the Reverend Thomas Fevand
Clerk Lord of the said Manor
there held on Tuesday the ~~xx~~
sixth day of April in the Year
of our Lord one thousand seven hundred and
ninety before William Ineson Gentleman
Steward there. *D*

The Homage Jury

John Wreghit	Joseph Peacocke	} Sworn
John Dunn	John Preston	
Francis Pearson	— — —	

We the above Jury have this Day staked out for
John Wormald in a close called Cockcroft two
Acres of meadow or pasture Ground lying on the
West side thereof bounded on the North by the
Holmpton Road on the East by Lands of ~~see~~
Mrs Nichols and on the South and West by
Lands of Sir Henry Etherington Baronet. *D*

We have also set out for the said John Wormald
one Acre two roods and fifteen perches of meadow
or pasture Ground lying in the North Field of
Patrington bounded on the North and East
by Lands of Mrs Nichols on the South by
the Holmpton Road and on the West by
Lands of the said Sir Henry Etherington
Baronet. *D*

John Wreghit
John Dunn
Francis Pearson
Joseph Peacocke
John Preston

Figure 3. Extract of a surrender taken, 'out of a court' in the Manor of Patrington Rectory, 1803, with a wheat straw attached to the document.

Source: Author's own collection.

Surrender out of Court, taken by two Copyhold Tenants of the Rectory Manor in Patrington, to the use of the Will of the Rev^d John Mansfield Rector of Patrington, in the County of York.

Manor of the Rectory of Patrington in the East Riding of the County of York. } Be it remembered, that on the second day of December one thousand eight hundred & three John Mansfield a Copyhold or customary Tenant of this Manor, in his proper person, came before us Francis Pearson, & John Wreghit, two other Copyhold, or customary Tenants of the said Manor, according to the custom of the said Manor, at the house of the said John Wreghit called or known by the name ~~of~~ of John Wreghit situate at Patrington, ^{as aforesaid} within the said Manor, and surrendered into the hands of the Lord, by the rod, by the hands & acceptance of the said Francis Pearson, & John Wreghit, testifying the same, according to the custom of the said Manor, all & singular his Copyhold or customary Mesuages or tenements, lands, hereditaments, & premises, whatsoever & where soever, situate & being within, & holden of the said Manor, to, for & upon such uses, trusts, intents, and purposes as the said John ^{Mansfield} in & by his last will & testament,

Figure 4. Notification of a third proclamation for an heir to come forward to be admitted in the Manor of Easington, Kilnsea and Skeffling, 1885.

Source: ERRAS, DDCC(2)/81.

To the Heir, according to the custom of the Manor of *Easington Kilnsea and Skeffling* in Holderness, in the East Riding of the County of York, of *George Marritt* late of *Easington in Holderness aforesaid* deceased, or other, the person or persons claiming Title to the Copyhold Hereditaments hereinafter referred to, and to each and every of them, and to all other persons whom it may concern.

I hereby give you Notice that at a View of Frankpledge, with the Great Court Leet and Court Baron, held in and for the said Manor of *Easington Kilnsea and Skeffling* on the *14th* day of *October* 1883, a FIRST PROCLAMATION was made for any person or persons claiming Title to the Copyhold or Customary Hereditaments lying within and holden of the said Manor, whereof the said *George Marritt* died seized, to come into Court and be admitted, but no one came. Wherefore a Second Proclamation was ordered to be made at the next Great Court.

And I hereby give you further Notice, that such SECOND PROCLAMATION was accordingly made at the View of Frankpledge, with the Great Court Leet and Court Baron, held in and for the said Manor, on the *21st* day of *October* 1884, but no one came, wherefore a Third Proclamation was ordered to be made at the next Great Court.

And I hereby further give you Notice, that such THIRD PROCLAMATION will be made at the View of Frankpledge, with the Great Court Leet and Court Baron, which will be holden in and for the said Manor, in the month of October, next following.

And I hereby give you further Notice, that in case, upon or before, the making of such Third Proclamation, no person shall come into Court and be admitted to the said Copyhold or Customary Hereditaments, the same will be seized into the hands of the Lord of the said Manor for want of a Tenant.

Dated this *16* day of *April* 1885

BRYAN B. JACKSON,

Steward of the said Manor.

Mr Sharp
Welwick nice
Hull

Quay Street 6 Chambers
Hull

NOTES AND REFERENCES

To the chapter: Manor Courts, Officers, Customs and Procedures.

The court books of the Manor of Burstwick are used frequently in this chapter. They are archived at the East Riding of Yorkshire Archives and Record Services at Beverley. In all there are 15 volumes covering the period 1747-1925, with the following dates:

Volume	Dates
1	April 1747 – November 1761
2	November 1761 – September 1772
3	September 1772 – October 1782
4	December 1782 – January 1791
5	April 1791 – February 1795
6	April 1795 – October 1804
7	January 1805 – July 1813
8	October 1813 – July 1826
9	October 1826 – July 1841
10	October 1841 – October 1852
11	October 1852 – March 1866
12	October 1866 – October 1878
13	January 1879 – October 1894
14	October 1894 – September 1914
15	September 1914 – December 1925

They will be referenced throughout this chapter more simply as DDCC(2)/80, followed by the relevant years. Not all the court books have page numbers, but wherever possible the appropriate page numbers are given. Similarly all other use of the Constable papers denoted by the reference DDCC, and archived at Beverley are shown in this section without quoting the ERRAS source.

1. C. Watkins, *A Treatise on Copyholds*, third edition, edited by T. Coventry, 1825, Vol. I p.8.
2. Adkin, p.70. The other two requisites according to Adkin, were demesne lands and tenemental lands.
3. Coke, p.59.
4. A survey report sent to the Ecclesiastical Commissioners, dated 14 June 1917. Church of England Record Centre, Bermondsey, London, Vol. GG5, York Bishopric, file number 45955, p.451.
5. A document written by Henry Waterland, c.1760. DDCC(2) 43B(17).
6. M.Ellis, *Using Manorial Records*, PRO Publications, 1997, p.51. Forty shillings was equivalent to 3 marks and represented the court's limit stretching back to medieval times. See G.W. Cooke, *A Treatise on the Law and Practice of Copyhold Enfranchisement*, 1853, p.37. A land value of forty shillings also represented the

freeholder's right to vote in the County elections, a qualification which held good until the 1867 Reform Act.

7. Coke, p.58.
8. No courts were held for the Manor of Easington Rectory between May 1790 and May 1793, or for the Manor of Patrington Rectory between October 1808 and October 1811. Intervals between courts of two years were a common occurrence in both these manors. Court roll of Easington Rectory 1771-1800, BIHR CCAb12 Eas 3 and the court book of Patrington Rectory 1801-65, ERRAS, DDPK 21/1/3. It was inevitable that courts would be held infrequently in some of the smaller Holderness manors where there were few surrenders and admissions each year. In the Manor of Dimbleton near Easington there was almost a seven-year gap between courts in the period November 1816 to October 1823, and a five-year gap between courts occurred between May 1824 and May 1829 for the Manor of Kelk in Welwick. Court book Manor of Dimbleton 1804-1930, ERRAS, DDIV 28/2. Court book Manor of Kelk 1805-1935, ERRAS, DDCK 11/1. P.D.A. Harvey quotes an even more striking example than the Holderness ones offered here. He states that, 'The courts at Leamington Spa in Warwickshire were revived in 1828 after a break of ninety years'. P.D.A. Harvey, *Manorial Records*, 1999, p.62.
9. Letter from the lord of the Manor of Holmpton to the Copyhold Commissioners dated 3 August 1855. PRO, MAF 20/104.
10. Adkin, p.75.
11. P.B. Park, *My Ancestors were Manorial Tenants*, Society of Genealogists, 1994, p.6.
12. DDCC(2)42(1), p.103.
13. Coke p.58 states, 'A Court-Leet by the Statute of Magna Carta is to be kept but twice a year; one time within the moneth after Easter, and another time within a moneth after Michaelmas'. Generally speaking, the Holderness stewards liked to maintain courts on the same day of the week. Hence, with the Manor of Roos, the twice-yearly View of Frankpledge with the Court Baron and Customary Court sessions were, 'Usually held the 4th Wednesday after Easter Sunday and the 4th Wednesday after new Michaelmas', in the eighteenth and nineteenth centuries. Source: An inscription inside the cover of the court book of the Manor of Roos. HUL, DDCV 134/16.
14. Whilst the names of the jury members, affeerors and the pennygraves routinely appear in the Burstwick Manor court books, the appointments of other manor officers were rarely recorded. Table 4.5 lists the appointments recorded in the court books of the Manor of Burstwick between 1747 and 1842.
15. C.I. Elton and H.J.H. Mackay, *A Treatise on the Law of Copyholds*, 1893, p.303.
16. A letter in the author's private collection. Another example of lack of business at a Holderness court would be the View of Frankpledge with the Court Baron for the Manor of Beeford, held on 25 October 1768, when the clerk of the court recorded under the names of the jury, 'We the above jury have nothing to present'. HUL, DDCV/10/1.

17. Arthur Iveson (1806-1881) of Hedon, took over the stewardship of the Great Court of the Manor of Burstwick from his father, William Iveson (1764-1843), in July 1841. Public houses were often used as manor court venues. In 1862, the court of the Manor of Roos was held at the George Inn, Land of Green Ginger, Hull. At the beginning of the twentieth century, the last sessions of the court of Patrington Manor were held in the village at the Hildyard Arms. Nearby the Rectory Manor courts were held in the rectory. Sources: Court book the Manor of Roos, HUL, DDCV134/16; precepts for holding courts for Patrington Manor and Patrington Rectory 1901. ERRAS, DDPK 21/23.
18. 'Courts baron by the Law must be kept every three weeks'. Coke, p.58.
19. 4 & 5 Vict.c.35. (21 June 1841). This section is reproduced in Cuddon, p.196.
20. Court book, Manor of Easington Rectory, BIHR, CCAb 12 Eas 4, p.169.
21. M.E. Ingram, *The Manor of Bridlington and its Lord Feoffees*, 1977, p.65.
22. PRO, MAF 20/66.
23. Notice to attend 'the Court Leet, Court Baron, View of Frank Pledge and Customary Court of the Manor of Howden', dated 20 September 1915. Author's collection.
24. Arthur Iveson had also taken over the stewardship of the court baron of the Manor of Dimbleton. He held the last court there on 21 October 1844. Arthur's uncle, James, held his last court baron and customary court of the Manor of Kelk in Welwick, a little later on 23 April 1847. Court books: Manor of Dimbleton ERRAS, DDIV 28/2; Manor of Kelk in Welwick, ERRAS, DDCK 11/1.
25. DDCC(2)/80. Vol. 1894-1914, p.746.
26. DDCC(2)/80. Vol. 1894-1914, p.385.
27. The terms under steward and deputy steward are synonymous.
28. This statement does not negate the fact that for fifty years the Constable's steward at Burton Constable was John Raines the younger (1738-1806) Raines chiefly looked after, 'the management of the extensive property and affairs of the seigniorship of Holderness', and whilst his signature does sometimes appear in the margin of court admission documents, the keeping of Constable's manorial courts was left to the Hedon lawyers such as Henry Waterland and the Ivesons. These men were always described as understewards and it was not until April 1821 that William Iveson (1764-1843) was referred to in the court records as a full steward. Poulson, Vol. II, p.214 and p.220. Also DDCC(2)/80, Vol. 1813-26.
29. Rex v. Rigge. 2 Barn & Ald 550 (1819). See also Adkin p.69 and Watkins, *A Treatise on Copyholds*, Vol. II, p.20.
30. Elton and Mackay, p.312. *A Treatise on the Law of Copyholds*, p.312.
31. Church of England Record Centre, Bermondsey, Vol. GG5, p.451.

32. A monopoly of court control was not unique to the Ivesons. The Spofforths, father and son, held a similar position over a long period of time in the Howdenshire courts of the Bishop of Durham.
33. Extract taken from the diary of Faith Gray 1764-1810, in the York City Archives. Accession 5 & 6, D/1A.
34. Adkin, p.76.
35. HUL, DDCV 2/3 and 4.
36. 4 & 5 Vict. c.35, 1841.
37. Ibid., section XXVIII. See Cuddon, p.155
38. Copyhold Act 1852. 15 & 16 Vict. c.51. sections V and XXIII for which see Cuddon, p.219 and p.227.
39. Copyhold Act 1841, section LXXXVII, see Cuddon, p.191.
40. Copyhold Act 1852, section XIX, see Cuddon, p.225.
41. James Cuddon, the author of *A Succinct Treatise on the Copyhold Acts*, was a barrister-at-law, of the Middle Temple.
42. Cuddon, p.68.
43. Copyhold Act 1894. 57 & 58 Vict. c.46.
44. Copyhold Act 1894, second schedule, section 9. See *Halsbury's Statutes of England*, Vol. 7, 1969, p.74.
45. Law of Property Act 1922. 12 & 13 Geo. 5 c.16, fourteenth schedule, section 139. See *Halsbury's Statutes*, p.117.
46. Information extracted from copies of court rolls in the author's collection. Patrington also used the title of bailiff.
47. A bydale was an area of land in the open fields which comprised of one complete cycle of oxgang holders in a set order. This set order of named lands was repeated in each bydale. The similarity between this ordered holding of land and the Scandinavian system known as 'Solskifte' or sun-division of land, has been commented upon by a number of historians. See M. Harvey, *The Morphological and Temurial Structure of a Yorkshire Township: Preston in Holderness 1066-1750*. Occasional paper No. 13, Queen Mary College, University of London, 1978, p.7. Also English, p.195.
48. DDCC(2)42(1), 1791.
49. In repeating the customs of the Manor of Patrington, Poulson quotes, 'And at Michaelmas only the head jury shall appoint officers, viz. the head-grave, the

penny-grave ...' Poulson, Vol.II, p. 436.

50. Examples are: Preston: Court held 5 October 1748: Pennygrave: Mrs. Sission for the fifth Oxgang of the Six of Roothes. Deputy Henry Burnsall. DDCC(2)/80. Vol. 1747-61, p.21.
Preston: Court held 21 November 1753: 'At this court David Cobb was sworn Deputy penny-grave for Mrs. Jane Collings'. DDCC(2)/80 Vol. 1747-61, p. 93.
51. A number of copyhold rental accounts have survived for Holderness manors for the eighteenth and nineteenth centuries, and which are archived either at the University of Hull Brynmor Jones Library or the East Riding of Yorkshire Records and Archive Service at Beverley. A comprehensive set of rentals for Constable's manors in Holderness is housed at Beverley under reference DDCC 141/25-3 and 54, covering the period 1752-96.
52. Prior to 1 January 1883, (Married Women's Property Act, 45 & 46 Vict. c.75,1882) a married woman could not surrender her copyhold estate without the consent of her husband, unless she held a separate estate. The prior and separate examination of a *feme covert* was carried out in order to ensure that no coercion had been used by the husband forcing the wife to agree to a sale. Needless to say, the steward charged an additional fee for this separate examination. A spinster, or widow, legally described as a *feme sole*, did not have this restriction placed upon her. It was the custom of the Manor of Burstwick that, 'a boy of sixteen may sell and surrender his estate being first examined as to his age, sanity and consent without compulsion. A girl in the like manner at fourteen'. Information taken from a manuscript book entitled, 'The Manor of Burstwick', 1810. DDCC 15/367.
53. In earlier times the position of bailiff, or pennygrave, cannot always have been a popular or a well sought after appointment. Tawney quoted from a survey of Hexham, written in 1608, in which the bailiff was described as a 'toadying beast ... trying to curry favour'. R.H. Tawney, *The Agrarian Problem in the Sixteenth Century*, 1912, p.123.
54. Court held 16 June 1779. DDCC(2)/80. Vol. 1772-82, p. 345.
Resignation from a homage was apparently permissible. An entry in the court book for 19 March 1760 states: 'Peter Acey was sworn upon the homage for Preston in room of Edward Burnham who resigns'. DDCC(2)/80, Vol. 1747-61, p.208.
55. DDCC(2)/80, Vol. 1747-61, p.182. A further example is that of a proclamation made at the court held 4 October 1758, for Edward Bonfrey of Keyingham, 'to be sworn upon the homage'. DDCC(2)/80, Vol. 1747-61, p.177.
56. View of Frankpledge with the Great Court, 16 October 1793. DDCC(2)/80. Vol.1791-95.
57. This practice ended with the passing of the 1841 Copyhold Act.
58. DDCC(2)/80. Vol. 1761-71, p. 175. A second example of the homage jury staking out a copyholder's estate, concerning the Manor of Patrington Rectory in 1790, is shown in figure 2.

59. DDCC(2)/80, Vol. 1761-72, p.181.
60. The oxgangs at Elstronwick were identified by numbers. Ten oxgangs there were held of the Manor of Burstwick, all being copyhold in bondage, and numbered, 8, 9, 10, 11, 12, 14, 15, 18, 19 and 22. DDCC(2)/42(1), 1791.
61. DDCC(2)/80, Vol. 1761-72, p. 197.
62. *A feme covert* was not required to swear fealty separately. The court book entry does not state whether or not Sarah Fairweather swore fealty on this occasion.
63. DDCC(2)/80, Vol. 1747-61, p.217 RHS.
64. *Ibid.*, p.217 RHS.
65. DDCC(2)/80, Vols. 1747-61, 1761-72, 1772-82.
66. DDCC(2)/80, Vol. 1747-61, p.183 RHS
67. DDCC(2)/42(1), 1791, p.104.
68. DDCC(2)/80. Vol. 1761-72, p. 99. The Manor of Burstwick book, written in 1810 (DDCC 15/367), which lists some customs and court procedures for the Manor, has the comment that the court may appoint a pinder, 'where this is the custom of the manor'. This comment suggests that in other areas, such appointments were seen as parish responsibilities and dealt with outside the manor court. Surviving court records of the Manor of Beeford, in the period 1765 to 1779, do show routine annual appointments of two constables, four bylawmen and a pinder. HUL, DDCV 10/1.
69. George Wingrove Cooke was a barrister-at-law of the Middle Temple. He came from a West Country family and was educated at Jesus College, Oxford. *The Dictionary of National Biography*, Sir Leslie Stephen and Sir Sidney Lee, editors, 1921-22, Vol. IV, pp.1,010-11, describes him as 'A literateur, traveller and authority on the law of land tenures'. In the period 1862-5, G.W. Cooke served as one of the Copyhold Commissioners.
70. G.W. Cooke, *A Treatise on the Law and Practice of Copyhold Enfranchisement*, 1853, chapter II, p. 21. Actually taken word for word from Coke, p. 88.
71. *Ibid.*, chapter II, p.21.
72. Like G.W. Cooke, Leonard Shelford was a barrister-at-law of the Middle Temple.
73. L. Shelford, *The Law of Copyholds in Reference to the Enfranchisement and Commutation of Manorial Rights and The Copyhold Acts*, 1853, p.40.
74. C.M. Gray, *Copyhold, Equity and the Common Law*, 1963, p.7.
75. The date of 1189, the first year of the reign of King Richard I, came from the fixing of a legal time limit imposed on claimants bringing actions to recover land, easements or profits under common law. See P.V. Baker, *Megarry's Manual*

- of the Law of Real Property*, fourth edition, 1969, p. 439. Adkin's statement of custom from time immemorial being from the time of Richard II appears to be a printing error. (p.86).
76. Cooke, *A Treatise on the Law*, p.23. Cooke based his remarks on the outcome of the court case *Bealey v Shaw* (1805) 6 East 208 at 215, for which see Baker's, *Megarry's Manual* p.439.
 77. Poulson, Vol. II, pp.436-439.
 78. Admission copy of Mary Heron in the author's private collection.
 79. The court rolls for the Manor of Burstwick have survived from 1368, and are archived at Beverley, under reference DDCC 15/1-24.
 80. DDCC(2)/42(1).
 81. See Poulson, Vol.II, p.356 and English, p.188. Several references to the use of the name Bond Burstwick on medieval documents are given in A.H. Smith, *The Place-Names of the East Riding of Yorkshire and York*, 1937, p.33.
 82. Sir E. Coke explained that, 'In doing fealty, he onely sweareth to become the Lord's faithfull Tenant'. (Coke, p.17.) Cooke, *A Treatise on the Law*, p.36, gave an example of the oath of fealty:
 'You shall swear that as to the tenements to which you have been admitted, you will be a true and faithful tenant to the lord of the manor. So help you God'.
 83. DDCC(2)/42(1), p.105.
 84. The Wills Act 1837. 1 Vict c.26.
 85. Elton and Mackay, *A Treatise on Copyholds*, p.84. Adkin repeats this paragraph without acknowledgement, (p.103).
 86. As opposed to a legal mortgage which would have required a 'full surrender' to the lender to be followed by a return surrender once the principal and the interest had been repaid. See Adkin, p.100.
 87. See Adkin, pp.99-100.
 88. Examples of this type of forfeiture may also be seen in the court books of the Manor of Easington Rectory.
 89. Preston: Court held 11 January 1815. George Harrison of Preston cordwainer and Mary his wife, a gift to their son Richard Harrison. DDCC(2)/80, Vol. 1813-26, p.37. Burton Pidsea: Court held 6 April 1825. John Ford, late of Burton Pidsea, now of Drypool, yeoman, a gift to his son Thomas Ford of Burton Pidsea, yeoman. DDCC(2)/80, Vol. 1813-26.
 The court book of the Manor of Weeton records the gift of a messuage and garth from one cousin to another in 1827. The standard wording including 'natural love and

- affection ...' also appears in this entry. DDCC 101/1, p.55.
90. See P.D.A. Harvey, *Manorial Records*, 1999, p.50; Ellis, *Using Manorial Records* p.58 and Adkin, p.95.
 91. Baker, *Megarry's Manual*, p.19.
 92. An illustration of a rod used for the purpose appears in Ellis, *Using Manorial Records*, p.59.
 93. C. Swynnerton, 'Some Early Court Rolls of the Manors of Stonehouse, King's Stanley, Woodchester, and Achards', *Transactions of the Bristol and Gloucestershire Archaeological Society*, Vol.XLV, 1923, p.213.
 94. DDCC(2)/42(1), chapter 9, p.108.
 95. DDCC(2)/80, Vol. 1772-82, p.255.
 96. Poulson, Vol. II, pp. 436-439.
 97. An example is: Court held March 1797. Elizabeth Carlton of Lambs Conduit Street, Middlesex, spinster surrendered a farm house and two garths of ancient enclosure and two closes in the North Field of Patrington, 'into the hands of the Lord and by the wheat straw with a knot in it according to the custom of the manor', to the use of the Reverend Edward Healey. ERRAS, DDRO 2/69. Other Holderness manors known to have maintained the custom of accepting surrenders with a wheat straw were: Beverley Water Towns, Dimlington, Holmpton, Hornsea, Kelk in Welwick, Leven, Leven Rectory, Patrington, Preston Rectory, Roos and Skipsea. Court copies of surrenders in the author's collection, with a wheat straw still attached, are as late as 1922 for the Manor of Leven and December 1923 for the Manor of Hornsea. On a wider note, the symbolic use of a straw seems to have been the usual custom in the East Riding of Yorkshire. Surrenders, 'by the straw' have been noted for the various townships making up the Manor of Howden, the Manor of Cottingham Sarum and the Manor of Faxfleet, within South Cave. Sources: The relevant manor court books and court copies in the author's collection.
 98. I am grateful to Mr. J. Robinson of Patrington for first bringing this to my notice.
 99. The Rev. John Mansfield was the Rector of Patrington from 1802 until he died in 1837. He resided in Hampshire, where he was also the Rector of Rowner. Poulson says of him, 'he was little known or appreciated here'. (Vol. II, p. 449.)
 100. Unlike the Manor of Burstwick, it was the custom of both the Manor of Patrington and Patrington Rectory that surrenders could be accepted out of court by two copyholders. Surrender to only two copyholders was also permissible at several other East Riding of Yorkshire manors. For example, the Manors of Weighton with Shipton (Market Weighton with Shiptonthorpe), Barmby upon the Moor, near Pocklington and Faxfleet within the Manor of South Cave. Court copies in the author's private collection. The court rolls of Patrington Manor c. 1653, record a number of surrenders to two copyholders,

for which see: Rev. H.E. Maddock, 'Court Rolls of Patrington Manors', *Transactions of the East Riding Archaeological Society*, Vol. VIII, 1900, pp.27-35.

101. 4 & 5 Vict. c.35, 1841.
102. A full explanation of the procedure for, 'suffering the recovery' for the Manor of Burstwick appears in the book. DDCC(2)42(1) of 1791. A general procedure is also outlined in Watkins, *A Treatise on Copyholds*, p. 223. See also a shorter version in Adkin, p.42. Adkin explained that after the 1833 Act, a tenant in tail could, 'bar the tail by making a disentailing assurance and enrolling it within six months of its execution in the central office of the Supreme Court'. An example of this occurs in the court book of the Manor of Roos for July 1860. HUL, DDCV 134/16.
103. Between May 1752 and April 1763, William Iveson acted the part of 'tenant' eight times, and 'demandant' on two further occasions.
104. 3 & 4 Will IV c.74, 1833.
105. Similar cases appear in the first court book of the Manor of Patrington Rectory 1801-65. There, in 1808, four Patrington copyholders being joint tenants, had leased 2 acres of arable, meadow or pasture land in the former North Field of Patrington, for seven years to a John Escreet, 'which was contrary to the custom of the manor'. After three proclamations had been made the steward James Iveson issued a warrant of seizure but on the day of the next court, 'time was given' and at 1 pm the erring copyholders came into court to beg the lord, 'of his special grace and favour' to be reinstated. Court book Manor of Patrington Rectory 1801-65, ERRAS, DDPK 21/1/3, pp.44-58.
106. DDCC(2)/80. Vol. 1747-61, p.159.
107. DDCC(2)/80. Vol. 1772-82, p.211.
108. This information is revealed in a court book entry for February 1756. DDCC(2)/80. Vol. 1747-61, p.130.
109. DDCC(2)/80. Vol. 1782-91.
110. DDCC(2)/80. Vol. 1791-95.

CHAPTER 5
EVIDENCE OF COPYHOLDS IN
HOLDERNESS FROM 1750

The main thrust of this thesis is to show in quantitative terms the survival of copyhold tenure in Holderness from c.1750 onwards, or expressed in another way, it attempts to plot the rate of extinction of copyholds over the period of investigation. Hence a means of identifying copyhold acreages at some early specific point is first required, to be followed by the tracing of the conversion of each and every copyhold to freehold tenure, down to the legal end of copyholds in 1925.

An initial evaluation of copyhold areas, albeit involving different dates in each case, can be achieved by analysing the enclosure awards for the parishes and townships of Holderness. This window of opportunity arises because the parliamentary enclosure commissioners were instructed in the various acts to maintain copyhold and freehold tenures where they existed.¹ It should be noted, however, that whilst tenures were maintained qualitatively speaking, the same did not apply in a quantitative sense. In simple terms, old pre-enclosure copyhold acres did not equate to new enclosed copyhold acres for a number of reasons. Principally copyhold acreages were lost whenever a tithe owner received land allotments in lieu of tithes. These allotments were usually made by the commissioners using a set formula laid out in the act, for example, 'land equivalent to one-fifth of the open arable fields, plus one-seventh of the meadows and old enclosures and one-eighth of the Carr lands'.² Unfortunately tithe allotments affected both freehold and copyhold acreages hence without more detailed information it is not possible to state an exact figure for the loss of copyhold land in each enclosure.

Some copyhold areas would also have been lost on enclosure, although to a much smaller degree than by tithe commutation, firstly by the commissioners making allowances for new roads and drains and secondly when land was awarded to the lord of the manor for his 'right of the soil' often described in Holderness awards as being, 'for his consent to the division and enclosure of lands and grounds'.

In essence, parliamentary enclosures dealt with the allotment and distribution of open lands, wastes and commons. The identification of copyholds in the old enclosures of Holderness proved to be a more difficult task. Even though some townships like Easington, Preston and Patrington possessed appreciable numbers of copyhold closes, garths, messuages, tenements and shops, very few tenurial surveys of these areas exist for the old enclosures of Holderness. ³

In cases where tithes in the old enclosures were compensated by money payments, the enrolled enclosure awards at Beverley typically show only the names of proprietors and the annual payments due. Occasionally, the areas of their holdings are recorded and this also applied to a number of enclosure maps. In other cases maps mark old enclosure plots only by numbers which refer to a schedule which may, or may not, have survived. Faced with a list of proprietors' names and their respective plot areas, tenure identification then relies on the rather laborious task of searching through court books for a match. Even this process is fraught with difficulty in that manorial court book descriptions can be quite vague, for example, 'a messuage and garth in Easington' renders identification extremely difficult when only linked to a copyholder's name. Cases also occur where the names and sizes of closes and garths suffer changes over a period of time, helping to add confusion to the analysis. ⁴

In addition to a study of enclosure awards, maps and manor court books, further help regarding the early identification of copyholds can be obtained from accounts of copyhold rentals, enfranchisement indentures and other estate papers.

This chapter sets out to establish a base line for the extent of copyhold tenure existing in Holderness from 1750 onwards, leaving the next chapter to deal with the rate of extinction of these identified copyholds. In both chapters help is provided by the fact that in the period under investigation, virtually no new copyholds could be created.⁵ Existing copyholds could either be continued by right of inheritance, including alienation, or extinguished by the lord purchasing from his tenant and adding to his demesne, or by enfranchisement whereby the copyholder compensated the lord to convert the holding to freehold tenure.

The analysis of Holderness copyholds is progressed by dividing the wapentake into its three divisions of North, Middle and South Holderness. In the first two parish and township examples, the methodology employed in identifying the copyholds is shown in considerable detail to illustrate the varied nature of the sources employed in piecing together the copyhold history. As the chapter continues, the detailed findings for the remaining parishes and townships are summarised to avoid unnecessary length.

SOUTH HOLDERNESS

Burstwick and Skeckling

In the early part of the eighteenth century, Burstwick and Skeckling were regarded as two distinct townships with the court books of the Manor of Burstwick from 1747 recording copyhold land, closes and village garths quite separately. By 1791 this separation had become less marked and the book of procedures of the manor had the following comment to make about Skeckling:

‘This township has been inclosed beyond memory and formerly the office of pennygrave was executed here as in other townships, but now the pennygrave of Burstwick collects rent for both...’⁶

A postscript was added by Poulson who wrote in 1840: ‘Burstwick and Skeckling are now little known or distinguished as separate townships...’⁷

The parish of Burstwick was said to contain 5,611 acres of land in 1853.⁸ The major part of the parish was taken up by the townships of Burstwick and Skeckling which occupied 4,338 acres.⁹ Large areas of the northern part of the parish including the North and South Parks and the Ridgemont farm had been enclosed by the end of the sixteenth century and were entirely freehold in tenure by 1750.

The remaining rump of open land, described as 28 oxgangs of commonable arable, meadow and pasture grounds were enclosed by act of parliament passed in 1773,¹⁰ followed by the award in 1777.¹¹ The act defined the 28 oxgangs as being, ‘in the whole 850 acres’ which produces a figure of 30.4 acres per oxgang. The procedures book of the Manor of Burstwick, 1791 also recorded an area of 28 oxgangs, with seventeen held freehold, nine copyhold free and two held in bondage.¹² If this tenorial division had held true for the year 1777, then $11 \times 30.4 = 334.4$ acres of copyhold land should have existed in the open fields of Burstwick and

Skeckling at enclosure. In the event, out of a total of 881a 0r 33p awarded to individuals, only 84a 1r 14p were designated as being copyhold tenure.¹³ This surprisingly small copyhold acreage would have been considerably higher had it not been for a series of enfranchisements which took place immediately prior to enclosure, in the period between the passing of the act and the award. Table 5:1 lists these enfranchisements.

Table 5:1 Eighteenth century enfranchisements in the township of Burstwick and Skeckling

Year	Owner	Township	Area enfranchised		
			a	r	p
1774	Samuel Standidge	Burstwick and Skeckling	183	1	11
1774	William Iveson	Burstwick	53	1	18
1775	James Smith	Burstwick	10	1	1
1776	Thomas Appleby	Skeckling	1	2	36
1777	Marmaduke Brown	Burstwick	76	0	29
		Total area enfranchised	324	3	15

Source: ERRAS, DDCC 111/38.¹⁴

There is also a reference in the Constable accounts to copyhold lands at Burstwick and Skeckling having been purchased by the lord of the manor,¹⁵ William Constable, prior to Michaelmas 1775, which lands were likely to have been added to the lord's demesne thus extinguishing the copyhold. These purchased lands were entered in the accounts as 'waste' and although a monetary figure of £1: 0s: 6d. appears, it is not possible to convert this amount to acre equivalents as copyhold free and in bondage enjoyed different yearly rentals.¹⁶

The commutation of tithes by a land award would also have caused some loss of copyholds at enclosure time. William Constable received 110a 1r 7p in lieu of tithes of the open fields, an award calculated on the basis of $\frac{2}{15}$ th of the total allotment in the open fields. Constable's award for his consent to, 'the division and enclosure of the lands and grounds', only amounted to 33 perches.¹⁷

Old enclosures

As previously mentioned, much of the northern area of the parish had been enclosed by the year 1600. The Ridgemont farm, which formed part of the manorial demesne, occupied 805 acres in 1805, and the two parklands together with Nuthill amounted to almost 1,000 acres more of freehold land.¹⁸ The remaining old enclosures of Burstwick and Skeckling consisted of the village garths and two isolated closes of arable, meadow and pasture land known as the Toteleys. In all these comprised of 87 individual plots containing a total area of 216a 2r 38p, at the time of the enclosure award in 1777.¹⁹ The full extent of the old enclosures of Burstwick and Skeckling, at that time, was as follows: Ridgemont 805 acres; North Park 332 acres; South Park 348 acres; Nuthill 294 acres and the Village garths including the Toteleys 216.7 acres, giving a total acreage of the old enclosures of 1,995.7 of acres.

The Burstwick and Skeckling Enclosure Act 1773²⁰ laid down that the tithes of the old enclosures were to be commuted by an annual rent payment on the basis of two shillings per acre. The enclosure award listed the owners of the 87 old enclosure plots, together with their respective acreages, but did not specify tenures. The enclosure map followed the usual practice of showing plot holders' names with sequential numbering but again provided no evidence of tenure. In order to identify what area of copyhold land existed within the 216a 2r 38p of village enclosures in Burstwick and Skeckling, it was found necessary to examine the court books of the Manor of Burstwick from 1747 to 1782. This resulted in the listing of copyholds as shown in Table 5.2.

Table 5:2 Copyholds in the old enclosures of Burstwick and Skeckling identified from the court books of the Manor of Burstwick 1747-82, and the enclosure map 1777.

CF = Copyhold Free; CB = Copyhold in Bondage

Plot number on the encl. Plan	Copyholder	Tenure	Area		
			a	r	p
5	Emanuel Wood	CB		1	7
6	Benjamin Foster	CB			15
8	John Gedney	CF.		1	14
11	Samuel Standidge	CB	1	0	38
12	James Winship	CF.		3	21
13	Edmund Jackson	CF.			7
15	Thomas Wood	CF.	1	1	3
16	Thomas Hugh	CF.	1	1	15
17	Henry Howson	CB			13
20	Thomas Wood	CF.	1	2	36
27	Marmaduke Brown	CB		3	25
29	Samuel Standidge	CB	9	0	24
30	Samuel Standidge	CB	6	2	11
31	Samuel Standidge	CB	4	0	26
32	Samuel Standidge	CF.	6	2	8
34	Thomas Wood	CF.	1	0	37
35	Thomas Harrison	CF.	2	0	35
36	Thomas Harrison	CF.		3	36
39	Richard Iveson	CF.	2	0	7
40	Marmaduke Brown	CF.	1	1	12
44	James Winship	CF.	3	1	3
52	Richard Iveson	CF.		1	27
56	Thomas Appleby	CB		1	39
57	Samuel Standidge	CF.	1	2	7
62	Marmaduke Brown	CB	3	0	0
65	Marmaduke Brown	CB	1	3	7
66	Marmaduke Brown	CB	3	0	3
69	Hilary Brown	CF.	3	0	11
71	James Smith	CF.	1	0	14
72	Mary Meadley	CF.		3	10
76	Hilary Brown	CB	1	0	33
77	Hilary Brown	CB	2	0	36
78	Hilary Brown	CF.	2	0	14
79	Hilary Brown	CB	6	2	21
82	Francis Walker (Gt. Totleys)	CF.	14	3	39
83	Francis Walker (Gt. Totleys)	CF.	7	3	16
84	Francis Walker (Gt. Totleys)	CF.	6	0	1
85	Francis Walker (Gt. Totleys)	CF.	2	3	14
87	William Shields (Little Totleys)	CF.	9	1	36
	Total copyhold land		112	1	1

Sources: Burstwick and Lelley Award book, ERRAS, DDCK 32/9/2; Burstwick and Skeckling enclosure map, HCRO, DMS 4/2; Enrolled enclosure award dated 3 September 1777, RDB AX/433/12; Manorial court books for the Manor of Burstwick, 1747-1782, ERRAS, DDCC(2)/80.

The area of arable, meadow or pasture land known as the Toteleys excepted, the copyholds of the old enclosures of Burstwick and Skeckling were restricted to the village garths, and as a whole only represented 5.6% of the total area of the old enclosure within the parish.

Ryhill and Camerton

Included in the parish of Burstwick were the adjoining townships of Ryhill and Camerton. These townships were enclosed in 1810 when 1,445a 3r 6p were allotted to individuals by the three enclosure commissioners.²¹ All the awards in the former open fields were freehold in tenure. At the time of enclosure, the extent of old enclosures in the townships amounted to 115 acres in Ryhill and 34 acres in Camerton.²² No evidence of copyholds was found in these areas.

Easington

The parish of Easington situated on a narrowing isthmus wedged between the North Sea and the river Humber, was said to contain 2,995 acres of land in 1851.²³ Within the parish were the townships of Out Newton and Dimlington, or Dimbleton. Like the neighbouring parishes of Holmpton to the north and Kilnsea to the south, the coastline of Easington parish was constantly subject to erosion by the action of the sea. Some very approximate figure for the rate of loss of copyhold land at Easington in the eighteenth century may be obtained from the Constable account books archived at Beverley. These recorded, 'Waste and Enfranchisements' for the Constable manors of Holderness in terms of the monetary values equivalent to lost copyhold rents. In 1775, John Raines, William Constable's steward explained:²⁴

‘The Wastes are certain Copyhold Lands in divers Manors which stand charged with an Annual Copyhold Rent to the Lord, but are not paid for the reasons following...’

In the case of Easington, Kilnsea and Skeffling, the reason given was, ‘Lands washed away by the Sea and the Humber’. Collecting together the sums of money entered under ‘wastes’ for Easington in the period 1752 to 1799, reveals a situation of increasing lost rent amounts as shown in Table 5:3:

Table 5:3 ‘Waste’ at Easington, represented by annual copyhold rents lost through encroachment by the North Sea and the river Humber.

Year	‘Waste’			Year	‘Waste’		
	£	s	d.		£	s	d.
1752	1	0	1¾	1776	2	0	3
1756	1	4	1½	1793	2	1	3
1775	1	7	6	1799	2	5	9

Sources: Constable account books, ERRAS, DDCC 141/25, DDCC 141/36 and DDCC 141/37.

If the ‘waste’ rental of £1: 0s: 1¾d. for 1752 is subtracted from the ‘waste’ rental of £2: 5s: 9d. for 1799 it can be seen that in the passage of 47 years, rents amounting to £1: 5s: 7¼d. had been lost to the lord of the manor by the ravages of the sea. The procedural book of the Manor of Burstwick also included notes on the other Constable Manors of Holderness and under the Manor of Easington it states:

‘Arable land pays 3d. per acre copyhold rent. The meadow (in a place called Waters) 12d. per acre and the pasture in Firtholme 6d. per gate’.²⁵

Firtholme pasture may be ignored in this calculation as it was sited at a safe distance from the coast. Waters was subject to erosion, hence an accurate value for acres lost to the sea is not possible, but assuming the lost rents only involved arable land, a figure of about 100 acres can be calculated for copyhold land at Easington, lost to the sea in the 47 year period between 1752 and 1799.

Easington was enclosed by act of parliament passed in 1770, ²⁶ quickly followed by the award which took place in the March of the following year. ²⁷ Within the area enclosed three separate manors, the Manor of Easington, Kilnsea and Skeffling, the Manor of Easington Rectory and the Manor of Thornton in Easington, were allotted copyhold land. Out of a total of 1,131a 0r 27p ²⁸ awarded to individuals, some 819a 3r 3p, or 72%, were designated as being copyhold. The manorial proportions are shown in Table 5.4.

Table 5:4 Copyhold land awarded at the enclosure of Easington 1771.

CF = Copyhold Free; CB = Copyhold in Bondage; C = Copyhold of Inheritance unspecified.

Manor	Tenure	Award		
		a	r	p
Easington, Kilnsea & Skeffling	CF.	444	0	22
Easington, Kilnsea & Skeffling	CB	196	2	20
Thornton in Easington	C	144	1	9
Easington Rectory	C	34	2	32
Total copyhold award in the open fields of Easington		819	3	3

Source: Enrolled enclosure award dated 18 January 1774. RDB AQ/297/27.

The Easington Enclosure Act stipulated that the tithes were to be commuted by an annual rent payment from each of the proprietors of awarded land, therefore, no copyhold land was lost from the open fields, on enclosure, to the tithe owner. As previously discussed, appreciable areas of both freehold and copyhold land had been lost by coastal erosion and a section of the East Field, called Ten Chains, was left unenclosed as common grazing land, 'to be occupied and enjoyed by the several proprietors thereof, their Farmers and Tenants'. ²⁹

A smaller source of loss of copyhold land at enclosure was land awarded to the various lords of the manors for their 'rights of the soil'. In the event, these three awards only amounted to six acres in all ³⁰ and were more than compensated by copyholder cottagers, who had previously held no land in the open fields, but who had acquired cottage rights on the

common. Out of sixteen 'landless' cottagers, eleven were awarded copyhold land in the West Field, in lieu of common rights, totalling 14a 1r 18p. This situation is represented by Table 5:5.

Table 5:5 Easington cottage copyholders and the distribution of land in the West Field at enclosure in lieu of common rights, 1771.

CF = Copyhold Free; CB = Copyhold in Bondage; C = Copyhold of inheritance unspecified.

Copyholder	Manor	Holding	Tenure	Award		
				a	r	p
Lister Mair	EKS	1 cottage	CF.	1	1	28
William Foster	EKS	1 cottage	CF.	--	--	--
Robert Ranson	EKS	1 cottage	CB	1	0	27
William Sawyer	EKS	1 cottage	CF.	--	--	--
Francis Thorp	EKS	1 cottage	CF.	2	1	14
William Johnson	EKS	1 cottage	CF.	1	0	27
Mark Booth	EKS	1 cottage	CB	1	0	27
Chris. Binnington	EKS	1 cottage	CF.	--	--	--
William Willis	EKS	1 cottage	CF.	1	0	27
Catherine Hall	EKS	1 cottage	CF.	--	--	--
Rev. Mr. Mackereth	EKS	Cottage/shop	CF.	1	1	0
William Green	EKS	1 cottage	CF.	--	--	--
William Fenwick	Rectory	1 cottage	C	1	0	27
Thomas Charlton	Rectory	1 cottage	C	1	0	27
Thomas Almond	Rectory	1 cottage	C	1	0	27
Thomas Bird	Rectory	1 cottage	C	1	0	27

Sources: Court books of the Manor of Easington, Kilnsea and Skeffling, 1747–71, ERRAS, DDCC(2)/81; Court rolls Manor of Easington Rectory, 1757–69, BIHR CCAb12Eas2 and CCAb12Eas3; Enrolled enclosure award dated 18 January 1774. RDB AQ/297/27.

That the amount of copyhold land diminished at the enclosure of Easington is apparent from a comparison made between the enclosure award and a pre-enclosure survey of copyhold land and tenements in the Manors of Easington, Kilnsea and Skeffling, Thornton and Dimlington.³¹

This survey using statutory measures showing areas in acres, roods and perches, although not dated, can be ascribed to the immediate pre-enclosures situation.³² The relevant acreages are shown in Table 5:6.

Table 5:6 Pre- and Post-enclosure copyhold acreages in the open fields of Easington held of the Manors of Easington, Kilnsea and Skeffling and Thornton in Easington.

Tenure	Pre-enclosure Survey			Enclosure Award			Loss of copyhold land		
	a	r	p	a	r	p	a	r	p
Manor of EKS									
Copyhold Free	510	2	0	444	0	22	66	1	18
Copyhold in Bondage	205	2	0	196	2	20	8	3	20
Manor of Thornton									
Copyhold of									
Inheritance unspecified	167	1	23	144	1	9	23	0	14
Totals	883	1	23	785	0	11	98	1	12

Sources: Pre-enclosure copyhold survey of the Manors of Easington, Thornton and Dimlington, ERRAS, DDCC 32/51; The Easington enclosure award, RDB AQ/297/27.

Old enclosures

The village garths of Easington showed the usual Holderness feature of a ribbon formation sandwiched between the two large, open arable fields. To the north of the parish was Dimlington which had been enclosed before the beginning of the eighteenth century,³³ except for a triangular-shaped piece of pasture land known as Dimlington Firth. To the South of the parish lay two areas of arable, meadow or pasture grounds called the Marsh Closes and Lockhams, both bordering on the river Humber. Four much smaller, isolated pockets of land at the south end of the village of Easington completed the extent of the old enclosures of the parish. These old enclosures, their areas and the corresponding numbers/letters of the various closes and garths, taken from the Easington enclosure map, are listed in Table 5:7.

Table 5:7 The old enclosures of Easington and Dimlington at 1771

Old enclosures	Plot numbers on the enclosure plan	Area		
		a	r	p
Dimlington Closes	A and B and 1-49	658	1	11
Easington Closes and village garths	C, D, E, F, G and 50-120	79	0	7
Isolated closes at the South End	121, 122, 123, 125, 126 and 158	38	1	5
Marsh Closes	127-149	138	2	2
Lockham	150-157 and 159	104	0	0
Area of old enclosures		1,018	0	25

Sources: Enclosure map of Easington, ERRAS, DDCC 32/42; A map showing the central section of the village of Easington at the time of enclosure, 1771. ERRAS, DDCK 35/1(d); Enclosure map of Easington, including a list of old enclosure owners down to No. 133, and the areas held. HCRO, DMS/4/3.

Plot number 124 was not marked on any of the enclosure maps studied, but adjacent to the plots numbered 122 and 123 was an area of 12a 0r 16p, which at enclosure time was owned by Daniel Cole and his wife Ann. The court book of the Manor of Thornton described this plot as, 'A close of ancient enclosed land', ³⁴ and this description is confirmed in a deed of enfranchisement of 1905 by which time the plot had passed into the ownership of Sir R.J.M. Walker. ³⁵ This discovery brings the total area of old enclosures of Easington and Dimlington at 1771 to 1,030a 1r 1p.

As usual, the tenure of the individual old enclosure plots is not shown on any of the maps, the information given being restricted to a plot number, the name of the proprietor and the acreage in each case. Identification of the tenure, where possible, has been achieved from a study of the relevant court books of the Manors of Easington and Easington Rectory. The resulting summary of copyholds is given in Table 5:8. In this exercise the Dimlington and March Closes are examined separately. For Easington enclosures, where the court book entries have not included areas, an estimate has been used, on the following basis: ³⁶

A cottage and garth to occupy one half an acre.

A messuage, or house, and garth to occupy two acres.

A close or garth of meadow or pasture ground, without buildings, to

occupy two acres.

Table 5:8 Copyholds identified in the village garths and in the isolated closes at the South End of Easington.

Description	Number Identified	Total area		
		a	r	p
Manor of Easington Kilnsea and Skeffling				
Messuages, or houses, with garths.	27½	61	0	0
Cottages with garths	48	33	2	0
Closes or garths of arable, meadow or pasture ground without buildings.	6	18	3	0
Manor of Easington Rectory.				
Messuages, or houses, with garths,	4	3	0	6
Cottages with garths.	8	3	3	39
Closes or garths of arable, meadow or pasture ground without buildings.	4	3	2	6
Manor of Thornton in Easington				
Parcel of ground in Haws Garth		0	0	16
A garth at the South End		12	0	16
A close of ancient enclosed land		6	0	0
A close called Barton Garth				
Ancient enclosed land at the South End.			2	16
Total copyhold area identified		142	3	29

Sources: The court books of the Manor of Easington, Kilnsea and Skeffling, 1747-93, ERRAS, DDCC(2)/81; The court rolls of the Manor of Easington Rectory, 1757-69, BIHR CCAb 12 Eas 2 and 3; The court book of the Manor of Thornton in Easington 1801-41, PRO CRES 5/158.

This analysis shows that the village garths of Easington were almost entirely held of copyhold tenure at the time of enclosure. No evidence of copyholds have been traced for the 104 acres of meadow or pasture ground known as Lockham, but in contrast, the Marsh Closes with its 138 acres had a broad mixture of freehold and copyhold plots. The identified copyholdings in the Marsh Closes are listed in Table 5:9.

Table 5:9 Copyholders and the areas held by them in the Marsh Closes of Easington, at the time of enclosure 1771.

CF = Copyhold Free; CB = Copyhold in Bondage

Plot number on the enclosure plan	Copyholder	Tenure	Area held		
			a	r	p
132	Thomas Carrick	CF	11	1	21
134	Michael Pattinson	CB	4	1	4
135	Sir William Milner	CB	5	0	30
136	John Porter	CB	10	0	35
139	Pennock Dunn	CF	9	1	11
140	John Porter	CF	2	3	6
141	Jane Wilkinson	CF	5	2	25
143	John Porter	CB	8	3	35
144	John Porter	CF	13	1	30
145	Sir William Milner	CB	3	3	25
146	Lister Mair	CF	2	2	28
147	Ann Dunn	CB	1	3	36
148	Jane Wilkinson	CF	1	3	28
149	Thomas Hudson	CB	5	3	23
Total copyholds in the Marsh Closes			87	2	17

Sources: Enclosure map of Easington, ERRAS, DDCC 32/42; Court books of the Manor of Easington, Kilnsea and Skeffling, 1747-93, ERRAS, DDCC(2)/81.

From Table 5:9 it can be seen that the village garths, plus the isolated pockets of old enclosures and the Marsh Closes contained a total of 230a 2r 6p of copyhold land. In order to complete the survey of the parish of Easington, (excluding the township of Out Newton) the closes of Dimlington now need to be explored.

Dimlington

To the north of the village of Easington, on the boundary with Out Newton, lay Dimlington, or Dimbleton.³⁷ Any remains of a village had been washed away by the sea long before 1750, and the associated arable, meadow and pasture ground had all been enclosed by that time. The single exception to this was an area of common pasture ground at the extreme northern point known as Dimlington Firth. In the Easington Enclosure Act, it stated that the area was not to be enclosed unless three-quarters, or more, of the proprietors desired it. It seems that this

figure was not achieved and the land remained unenclosed. On the enclosure map of Easington, ³⁸ Dimlington Firth is described as 'Un Divided' and containing an area of 122a 3r 28p. ³⁹

Although the Dimlington closes occupied almost 660 acres of cultivated land, only a proportion was held of the Manors of Easington, Kilnsea and Skeffling, and Dimlington. Unfortunately no court rolls appear to have survived for the Manor of Dimlington for the period 1746 to 1803, ⁴⁰ but a court book covering the years 1804-1930 is archived at Beverley. The Dimlington Manor was unusual in that the fee simple did not rest with a simple lord or lady of the manor, but was held jointly by the copyholders themselves acting in concert. Hence the opening inscription in the court book reads: ⁴¹

'The Manor of Dimbleton. The Court Baron of John Stark, William Cooper and others, Lords of the said Manor there held, Thursday, 12th April 1804 before William Iveson, gentleman steward'. ⁴²

Another unusual feature of Dimlington's manorial arrangements was that copyholders, as joint lords of the manor, paid no rent for their closes, and the court book routinely enters the yearly rent as, 'one peppercorn if required'.

An examination of the court books of the Manors of Easington, Kilnsea and Skeffling, and Dimlington, produced an area value for the copyhold land held of these two manors, in Dimlington Firth and Dimlington Closes. Virtually no estimation was required in this exercise as the court books routinely quoted acreages, albeit with nominal values. ⁴³ To these areas a further 11 acres of copyhold land was traced at Dimlington in a schedule attached to an act of parliament passed in 1775 to partition and divide lands belonging to Sir James Pennyman, C.A. Pelham and Michael Newton.

Table 5:10 Copyhold land held of the Manors of Easington, Kilnsea and Skeffling, and Dimlington, in Dimlington.

Area	Manor of Easington, Kilnsea and Skeffling			Manor of Dimlington			Total Copyhold area		
	a	r	p	a	r	p	a	r	p
Dimlington Firth	52	2	38	50	1	0	102	3	38
Dimlington Closes	133	2	0	221	2	3	355	0	3
Total Area	186	0	38	271	3	3	458	0	1

Sources: Court books of the Manor of Easington, Kilnsea and Skeffling 1747-93, ERRAS, DDCC(2)/81; Court book of the Manor of Dimlington, 1804-1930, ERRAS, DDIV 28/2; Act of parliament 15 Geo.III c.49, 1775. The fifth schedule, p.15. ERRAS, DDX 85/14.

It will be remembered that the total area of old enclosures in the parish of Easington (Out Newton excepted) was 1,030a 1r 1p. Excluding the unenclosed Dimlington Firth from Table: 5:10, a total copyhold area of 355a 0r 3p appears in the Dimlington Closes. Add to this the 230a 2r 6p of copyhold land found in Easington's old enclosures, gives a total copyhold area of 585a 2r 9p, equivalent to 57% of the whole.

Out Newton

The township of Out Newton, situated in the north of the parish of Easington, said to contain 676 acres in 1851, ⁴⁴ was enclosed by agreement in 1756. The award, made in the following year, allotted a total of 600a 3r 0p to individuals, all of which was freehold. ⁴⁵ The only copyhold land of the Manor of Out Newton which has been traced was located in Skeffling, where a plot containing 4a 3r 2p in the East Field was awarded to Robert Riby and his wife Elizabeth. ⁴⁶

No evidence of any copyholds was found in the Out Newton village garths, typically sandwiched between the East and West fields. Similarly no evidence of copyholds was discovered in the only other area of old enclosures, called an Intack, to the north of the village.

No court rolls have been found for the manor.

Halsham

The parish at Halsham, which contained 2,907 acres in 1852,⁴⁷ had been the seat of the ancestors of the Constable family, in Holderness since the mid-twelfth century.⁴⁸ The two manors within the parish, known as East and West Halsham were held jointly by the Constables from the late sixteenth century, and in spite of moving their seat to Burton Constable in the 1570s, the family maintained a tight hold on their Halsham estate. By 1774, William Constable was said to own, 'practically the entire parish'.⁴⁹ Henry Waterland, writing c.1760, described Halsham as a freehold manor⁵⁰ and no copyhold land or buildings has been traced in the parish for the period under investigation.

Hollym and Withernsea

The old parish of Hollym contained the two townships of Hollym and Withernsea, and also included several parcels of detached land in the neighbouring parish of Holmpton. The parish was stated to contain 4,249 acres of land in 1852, made up of; the township of Hollym, 2,119 acres; the township of Withernsea, 746 acres and the detached parcels in Holmpton, 1,384 acres. The two townships were enclosed by act of parliament passed in 1793 and achieved by an award in October 1797.⁵³ Concerning the former open fields of Hollym, out of a total allotment of 1,447a 1r 2p to individuals, only 50a 2r 14p were designated as being copyhold in tenure. Conversely, in the smaller township of Withernsea, 300a 1r 19p of copyhold land was awarded out of a total of 451a 2r 27p, to individuals.

The manorial situation in the two townships was somewhat complex. For Hollym, three manors held the land, the largest being the Manor of Hollym, whose lord at the time of enclosure was Sir Christopher Sykes, the 2nd baronet of Sledmere. In addition, small amounts of land were held by two separate manors called the Manor of Withernsea with Owthorne and

the Manor of Withernsea with Owthorne, Priorhold parcel of Kirkstall, a name derived from the manor's pre-Reformation owners, the Prior and canons of Kirkstall Priory near Leeds. In 1797 Edward Constable of Burton Constable was lord of the manor of both manors. A manorial split of the copyhold land awarded at the enclosure of Hollym and Withernsea is shown in Table 5:11. In all cases, the type of copyhold was not specified but simply referred to as copyholds of inheritance.

Table 5:11 Copyhold land awarded at the enclosure of Hollym and Withernsea in 1797.

Manor	Lord of the Manor	Award		
		a	r	p
In Hollym				
(1) Hollym	Sir Christopher Sykes	43	2	36
(2) Withernsea with Owthorne	Edward Constable	2	1	26
(3) Withernsea with Owthorne Priorhold	Edward Constable	4	1	32
In Withernsea				
(1) Withernsea with Owthorne	Edward Constable	242	2	36
(2) Withernsea with Owthorne Priorhold	Edward Constable	57	2	23
Total copyhold land awarded		350	3	33

Source: Hollym and Withernsea enrolled enclosure award dated 16 December 1797. RDB BT/364/50.

The act of 1793 stipulated that the tithes of the two townships were to be commuted by a land award to the vicar, equivalent to $2/13^{\text{th}}$ of the open arable, fields, meadows and pastures. As a result the Rev. Robert Barker received 246 acres of freehold land in lieu of tithes, some small proportion of which would have been of copyhold tenure prior to enclosure. Withernsea's acreage in lieu of tithes amounted to 63a 1r 8p, awarded there to the Rev. Christopher Stephenson. ⁵⁴

Old enclosures of Hollym

The enclosure commissioners stated in their award that the township of Hollym contained 597a 1r 4p of old enclosures. The award provided the usual list of old enclosure proprietors, the acreages held by them ⁵⁵ and the corresponding plot numbers taken from the enclosure map. ⁵⁶ A second list has also survived in the Constable papers at Beverley, ⁵⁷ but once again only proprietors' names and enclosure plot numbers are given. Out of 87 old enclosure plots in Hollym, ⁵⁸ seven proprietors held a total of 55 plots, all of which were freehold at the time of enclosure and amounted to 558a 0r 35p. The identification of the tenure of the remaining 39 acres is hampered by the fact that no court rolls have been found for the Manor of Hollym. ⁵⁹ The sole copyhold holdings which have been traced here, appear in the court books of the Manor of Withernsea with Owthorne and a corresponding court book of the Manor of Withernsea with Owthorne Priorhold, parcel of Kirkstall ⁶⁰ amounting to a total of 2a 2r 20p.

Old enclosures of Withernsea

The enclosure commissioners reported a total of 348a 0r 2p of old enclosures in the township of Withernsea. ⁶¹ Divided into 36 individual plots, ⁶² they showed a rather unusual feature for South Holderness in that they were scattered about the open fields each occupying a relatively small area. Only in the southern part of the township was there a consolidated area of old enclosure, known as Nevills, owned at enclosure time by Richard Marr, of area c.190 acres (plots 1, 2 and 2a), and the adjoining arable land owned by the heirs of Thomas Waterhouse (plots 3, 3a), containing c. 66 acres. ⁶³ Both these areas were of freehold tenure. Of the remaining 33 old enclosure plots, 29 have been identified as being of copyhold tenure, amounting to a total of 86a 1r 6p.

Holmpton

The township of Holmpton which was said to contain 1,903 acres of land in 1852,⁶⁴ bordered on the Holderness coastline with the parishes of Hollym to the north and Out Newton to the south. Prior to the enclosure of its open fields and wastes, Holmpton followed the usual pattern of two large arable fields separated by a roughly linear area of old village enclosures. In addition to these village garths, an area of c.510 acres⁶⁵ in the southern part of Holmpton, known as Rysome Garth or Manor, had been enclosed before the beginning of the eighteenth century. When Holmpton's Enclosure Act was passed in 1800,⁶⁶ all the land at Rysome Garth was freehold.

The Act of 1800 was followed in 1807 by the award,⁶⁷ when out of 864 acres allotted to individuals, only a single plot in the North Field, containing 11a 3r 33p was designated as being copyhold. This land was held of the Manor of Roos. Perversely, no open land in the township belonged to the Manor of Holmpton, as the small remaining land held of that Manor was all situated in Welwick. These copyholds of the Manor of Holmpton are dealt with in this chapter under Welwick.

Old enclosures

The Enclosure Act of 1800 stipulated that allotments were to be made to compensate for tithes in both the open fields and the 'ancient enclosed lands'. The great tithes were owned by the lord of the manor Joshua Hayworth and the small tithes belonged to the rector, Rev. Robert Barker. In total Joshua Hayworth received 152 acres and the Rev. Barker 60 acres,⁶⁸ out of which 32 acres and 25 acres respectively were in lieu of tithes of the old enclosures.⁶⁹

A search through the court rolls of the Manor of Holmpton⁷⁰ was unsuccessful in discovering any copyholds amongst the old enclosures, and it would appear that although there

were c.430 acres of old enclosures in 1807, ⁷¹ it was exclusively of freehold tenure. The only reference found of a copyhold in the old enclosures of Holmpton was an entry in the court book of the Manor of Withernsea with Owthorne Priorhold, when at a court held on 21 May 1753, Job Black was admitted to a cottage and garth in Holmpton containing half a steng. Later, on 25 February 1760, Black sold the property to the Rev. Nicholas Nichols, rector of Patrington, but the property could not be traced further in the court books. ⁷²

Keyingham

The roughly pear-shaped parish of Keyingham was wedged between the parishes of Burstwick to the west and Ottringham to the east. The familiar Holderness features of village garths in linear form, sandwiched between two open arable fields, and an additional large compact area of old enclosures were all present when the enclosure commissioners made their award in 1805. ⁷³ At that time, the total acreage was 3,461 acres, the open fields and roads occupied 1,418 acres, Keyingham Marsh was 1,420 acres in extent, Saltaugh Grange was 455 acres in extent, and the village garths occupied 168 acres. ⁷⁴

Keyingham Marsh formed part of Constable's demesne land at Keyingham and had been held by the family since the purchase from the Nevilles in 1560. ⁷⁵ The old enclosure of Saltaugh Grange had belonged freehold to the Corporation of the Sons of the Clergy since 1687. ⁷⁶

Keyingham formed a major constituent of Constable's Manor of Burstwick with 890a 1r 2p of copyhold land being awarded in 1805 out of a total of 1,400 acres allotted to individuals. Of the copyhold award, 736a 3r 20p were designated as copyhold free and 153a 1r 22p, copyhold in bondage. ⁷⁷ Concerning the open fields of Keyingham, the procedural book of the Manor of Burstwick written in 1791, ⁷⁸ reported that out of a total of 41 oxgangs, 4 were glebe, 4¼ were freehold, and 32¾ were copyhold. The Keyingham oxgang was described as :

‘Ten acres in each arable field within Kirncroft. Four acres in the Ings and four acres in each of the Carrs. Three stengs in the Saltmarsh and three stengs in the Common ground being balks and Marstalls’.

Assuming the words, ‘with Kirncroft’ meant including Kirncroft, then the Keyingham oxgang occupied 33.5 acres, and when this is applied to the 1791 procedural book and then compared with the Keyingham enclosure award,⁷⁹ there is quite a discrepancy in the imputed distribution of tenure. Of the 1,400 acres allotted at the enclosure, the ratio of copyhold to freehold and glebe was 891 to 509, but the imputed distribution from the 1791 procedural book was that of a total acreage of 1,374 acres, the equivalent ratio was 1,097 to 277. Hence whilst the total acreages at 1791 and 1805 show a fair degree of consistency, post-enclosure freehold land shows a gain of about 232 acres, and copyhold land has shrunk by about 206 acres.

One source of loss of copyhold land was the award of land at enclosure, in lieu of tithes. The Keyingham Enclosure Act of 1802⁸⁰ stipulated that the tithes of the open fields were to be commuted by awards of land to the tithe owners on the basis:

‘...one-fifth part of the open arable fields and ... one-seventh part of the open meadow grounds and ... one-eighth part of the pasture grounds’.

In addition, the act ordered the commissioners to award the tithe owner with a further allotment in the open fields, equal in value to one-seventh of the value of the old enclosures. In the event, the lay tithe owner, Henrietta Laura Pulteney, Lady Bath, received a total of 262 acres of freehold land, in lieu of tithes. This award must have been responsible for a substantial proportion of the loss of copyhold land at Keyingham’s enclosure. Other sources for finding lost copyhold acres are obscure. In 1805, Keyingham possessed no commons or waste ground, hence Francis Constable, the lord of the manor, did not receive an allotment in lieu of his ‘right of the soil’. On the other hand, a number of cottagers who previously held no land in the open fields but whose cottages had acquired some rights of common, did receive

allotments in the former East and West Fields. From the enclosure awards it can be deduced that at least twelve 'landless' copyhold cottagers, holding thirteen cottages, were given land in lieu of lost rights of common. These individual awards, however, were extremely small, and in total amounted to less than 3½ acres.

Old enclosures

As previously mentioned, the old enclosures of Keyingham Marsh, containing c.1,420 acres, and Saltaugh Grange with its 455 acres, were both of freehold tenure. The remaining parts of old enclosures within the parish at enclosure time were the village garths which occupied a total area of 168a 2r 22p.⁸¹ Included with the village garths were three isolated pockets of old enclosures. To the west of the parish, along the boundary with the township of Ryhill were two adjoining plots held by a person called Harrison and Sir Tatton Sykes. Centrally placed were two plots of Glebe land and finally a rectangular shaped plot abutting the Marsh, Kirncroft and Saltaugh Grange, which was in the ownership of William Carlin.⁸² All these isolated pockets of old enclosures were freehold and together took up 56a 0r 23p out of the total area of old enclosures.

A schedule of the messuages, cottage lands and tenements of Keyingham, held of the Manor of Burstwick, has survived which provides some information on the extent of copyhold plots in the old enclosures of the village. This schedule was prepared by James Iveson at some time in the period 1802-05, but unfortunately the Hedon attorney-at-law did not include precise areas in his survey and some of his plot descriptions are difficult to decode.⁸³ The copyholds of the village garths can, however, be identified by linking the copyholders' names, taken from Iveson's survey, with details from a copy of the Keyingham enclosure map which carries a list of the plot owners and the areas owned. This list has a total of 96 plots, 25 of which

were freehold and 71 copyhold. Out of a total area of 168a 2r 22p, freeholds occupied 80a 0r 26p and the remaining 88a 1r 36p were copyholds of the Manor of Burstwick

Kilnsea

The parish of Kilnsea with its isolated position close to Spurn Point, sandwiched between the North Sea and the river Humber, was always vulnerable to the encroachments of the sea. In 1818, a survey of Kilnsea claimed the total area of the parish to be of the order of 1,117 acres.⁸⁴

With the constant advance of the sea upon the Holderness coastline, the copyhold acreage at Kilnsea decreased yearly by natural causes. Although no precise acreages of copyhold land lost to the sea were recorded, some idea of the scale of this loss is afforded by examining the copyhold rentals for Kilnsea over a period of time. As with Easington, rents 'lost' through coastal erosion were charged as 'waste' in the accounts,⁸⁵ with a nominal value recorded by the pennygrave each year. The 'full' copyhold rental for Kilnsea was £27: 14s: 1d, which at 4d. per acre⁸⁶ would have represented a total copyhold area of 1,662 acres. When this 'full' rental was originally assessed is not stated, but by 1752 when the 'waste' was entered as £6: 2s: 6½, it would have been equivalent to a loss of approximately 368 acres of copyhold land. Thereafter, the accounts show increasing monetary values for lost rents as shown in Table 5:12. By subtraction Table 5:12 shows that in a 43 year period between 1752 and 1795, the 'waste' copyhold rents had risen by £6: 14s: 3½d, representing an equivalent loss of 403 acres of copyhold land.

Table 5:12 'Waste' at Kilnsea representing nominal annual copyhold rents lost through encroachments by the North Sea upon the land.

Year	'Waste' (Lost rents)			Year	'Waste' (Lost rents)		
	£	s	d		£	s	d
1752	6	2	6½	1782	10	4	0
1776	8	15	6	1791	10	5	8
1777	9	2	0	1795	12	16	10
1778	9	7	1				

Sources: Constable copyhold rental accounts, ERRAS DDCC 141/25 and DDCC 141/36.

Enclosure of the open fields of Kilnsea came relatively late to the parish with parliamentary sanction being given under the General Enclosure Act of 1836, followed by an award in 1843.⁸⁷ A single commissioner-cum-surveyor, allotted a total area of 543a 2r 20p to individuals, out of which 348a 1r 20p, or 64%, was designated as being copyhold tenure.

Two separate manors held land in the parish. The larger of the two, the Manor of Easington, Kilnsea and Skeffling, had been in the hands of the Constables since c.1568.⁸⁸ The smaller manor was the Crown Manor of Thornton in Easington. The manorial distribution of land at enclosure is shown in Table 5:13.

Table 5:13 Copyhold land awarded at the enclosure of Kilnsea, 1843.

CF = Copyhold Free; CB = Copyhold in Bondage; C = Copyhold of Inheritance unspecified.

Manor	Tenure	Award		
		a	r	p
Easington, Kilnsea & Skeffling	CF	285	2	14
Easington, Kilnsea & Skeffling	CB	9	1	6
Thornton in Easington	C	53	2	0
Total copyhold award in the open fields of Kilnsea		348	1	20

Source: Copy of the Kilnsea award, HCRL, 12900/1840 ka (Stock book no. B64311).

Old enclosures

Leaving aside the area known as Spurn Point, the old enclosures of Kilnsea were located in three separate areas. One of these areas was the village garths, but much of the central section of the village had fallen into the sea by 1830 and even the remaining stones of the derelict parish church had tumbled down the cliff in 1831.⁸⁹ The residual portion of the village garths resembled a 'T' formation with the horizontal stroke lying across the North Sea coastline and the downstroke in an east-west direction, stretching from the sea to the river Humber. This area was shown on the 1840 enclosure map⁹⁰ with 23 plots. The other two areas were the West Marshes with 16 old enclosure plots and the North Marshes with 23 plots. The 1818 survey had shown these three areas together with a figure of 279a 3r 20p.⁹¹ By 1840, the enclosure map marked the 'ancient enclosures' down at 215a 3r 24p.⁹²

The usual difficulties concerning the identification of the tenure of the old enclosure plots also apply to Kilnsea. The 1840 enclosure map only marks proprietors' names, areas held and plot numbers.⁹³ However, by extracting information from the court books and comparing descriptions with individual plots shown on the map, a fair picture can be deduced for the extent of the copyholds in the old enclosures. Of the 15 plots in the West Marshes, involving six owners, only one plot, No. 55 belonging to John Clubley, could not be positively identified as being copyhold. The holdings in the West Marshes appear in Table 5:14.

Table 5:14 Proprietors and tenure of holdings in the West Marshes of Kilnsea in 1840.

CF = Copyhold Free; ? = Tenure not identified.

Enclosure map plot number	Proprietor	Tenure	Area		
			a	r	p
16	William Wiley	CF.	3	0	0
25	Henry Burgh	CF.	9	1	28
41	Henry Sykes	CF.	1	1	12
42	Benjamin Wiley	CF.	2	1	20

43	John Clubley	CF.	1	1	0
44	Henry Sykes	CF.	7	2	24
46	Benjamin Wiley	CF.	1	3	10
47	Henry Sykes	CF.	3	3	20
48	Henry Sykes	CF.	4	2	24
49	Benjamin Wiley	CF.	2	2	15
51	Henry Sykes	CF.	3	3	4
52	Henry Burgh	CF.	3	3	2
53	George L. Thompson	CF.	3	2	34
54	Henry Burgh	CF.	6	2	24
55	John Clubley	?	12	2	25
Total area of identified copyholds in the West Marshes			55	3	17

Sources: Survey of land at Kilnsea 1818, ERRAS, DDX 92/4; Court books of the Manor of Easington, Kilnsea and Skeffling to 1843, ERRAS, DDCC(2)/81; Kilnsea enclosure map 1840, ERRAS, DDCK 32/20.

Greater difficulty in identification of tenure is present with the North Marshes. Unlike the West Marshes, the term, 'North Marsh', does not appear in the court books, but frequent references to closes which were called, 'a Seventeen close', would appear to refer to the area of the North Marshes. ⁹⁴ In 1840, there were 23 old enclosure plots held by four proprietors in the North Marshes. Of these 23 plots, eleven were positively identified as being copyhold of the Manor of Easington, Kilnsea and Skeffling, with seven held copyhold in bondage; four copyhold free and a total copyhold area of 59a 2r 28p.

The village garths of Kilnsea in 1840 presented a similar pattern to the Marshes whereby the plots were held by a small number of proprietors. In this case, 23 plots were owned by only seven people. Nine plots were identified as being copyhold, all of which were copyhold free, with a total area of 31a 2r 16p.

From the three separate areas, the total copyhold area for the old enclosures of Kilnsea in 1840 amounted to 147a 0r 21p.

Ottringham

The parish of Ottringham was said to contain 4,320 acres in 1856.⁹⁵ By 1750, the open lands of the parish were predominantly freehold in tenure, but that some copyhold land did exist in the open fields is apparent from an undated note archived in the Hull University Library,⁹⁶ which has the following title: 'A not (sic) of Copyhold Land in Ottringham for the right in the West feald made by me James Nicholson'. James Nicholson then listed a number of holdings in the furlongs of the open fields, with an approximate total of nine acres.

Enclosure came to Ottringham in 1760 following an agreement by the principal landowners to divide some 2,912 acres of open arable, meadow and pasture land.⁹⁷ In the award, Thomas Collinson received an allotment of 1a 2r 24p, and Thomas Nicholson 8 acres of arable, pasture or meadow land from the commissioners. These allotments were located in the former West Field and both were held of the Manor of Roos. No other copyhold land was traced in the open fields of Ottringham.

Old enclosures

The village garths of Ottringham showed the usual Holderness pattern of a long linear strip, running in a north-south direction, separating the two open arable fields called East Field and West Field. In addition, there were some four or five other isolated pockets of old enclosures, the largest being Ottringham Marsh. The sole evidence of a copyhold traced in the old enclosures of Ottringham appeared in a court book entry of the Manor of Roos, when at a court held on 24 April 1782, William Donkin, nephew and heir of Dorothy Burgh, was admitted to, 'A messuage, cottage or dwelling house, or the site of a messuage or cottage, and garth in Ottringham Marsh'.⁹⁸ Unfortunately, no area was given for the garth so a nominal value of two acres has been included for this estate in the summary Table 5:22.

Owthorne

The old parish of Owthorne, said to contain 4,032 acres in 1852,⁹⁹ included the five townships of Owthorne, Newsome, South Frodingham, Rimswell and Waxholme. The acreages making up the total parish were as follows: Owthorne 1,052 acres; South Frodingham and Newsome 1,205 acres; Rimswell 1,233 acres and Waxholme with 542 acres. Strictly speaking, Waxholme was situated in the Middle Division of Holderness, but being in the parish of Owthorne, it is more conveniently dealt with in the Southern Division.

South Frodingham, Newsome, Rimswell and Waxholme had all largely been enclosed before the beginning of the eighteenth century.¹⁰⁰ The remaining open fields of Owthorne, consisting of the usual two open arable fields, a Pasture Enholme and a Meadow Enholme, were enclosed by an award made in 1815.¹⁰¹ Soon afterwards a small area of meadow ground in Rimswell containing 67 acres, was enclosed by agreement made in 1818¹⁰² and finally a similarly sized arable field in Waxholme, known as East Field, remained unenclosed until 1962.¹⁰³

In medieval times, all five townships making up Owthorne parish had separate manors. In the sixteenth and seventeenth centuries, Newsome Manor passed through a number of lay hands, but by 1774 when the manor was sold to Sir Robert Hildyard, all the land of the manor was freehold.¹⁰⁴ The Manor of South Frodingham likewise passed through the ownership of several lords and ladies including members of the families of the Sykes of Sledmere and the Walkers of Sand Hutton.¹⁰⁵ By 1750 all the land in South Frodingham was freehold. Similarly, when in 1765, John Taylor purchased the Manor of Waxholme with about 230 acres and 24 beastgates the estate was very largely freehold tenure.¹⁰⁶ This being said, a compensation agreement made between Mrs. Marion Nolloth, lady of the Manor of Roos and J.W. Lowish of Filey and T. Holtby of Drifffield, on 16 April 1929,¹⁰⁷ revealed that in

Waxholme, four beastgates in the East Field, were held copyhold of the Manor of Roos. A subsequent conveyance by Messrs. Lowish and Holtby to E.J. Kirkwood, dated 18 April 1929,¹⁰⁸ showed that the four beastgates were worth 3a 2r 1p of land in the East Field. To this copyhold a further 3 acres of land in the East Field of Waxholme, held of the Manor of Roos, to which Peter Atkinson, a son and heir of James Atkinson, was admitted on 22 October 1783, must be counted.

The main evidence of copyhold land in the parish of Owthorne, therefore, resided in the township of Owthorne, whose eastern boundary formed the coastline of the North Sea and was yet another Holderness township to suffer greatly with coastal erosion. As with Easington and Kilnsea some approximate value of the extent of loss of copyhold land in Owthorne may be obtained from the copyhold rental accounts for Constable's Manor of Withernsea with Owthorne. Copyhold rent at Owthorne was quoted at 6d. per acre¹⁰⁹ and the 'full' copyhold rental for the township, 'before waste and land tax' was given as £23: 5s: 8d.¹¹⁰ The increasing nominal rent values with time, described as 'waste' due to coastal erosion are shown in Table 5:15. We do not know when the 'full' copyhold rental quoted at £23: 5s: 8d. was established, but by 1752, the rents had fallen by almost one-half. Hence in the 43 year period between 1752 and 1795, lost rents equated to a figure of 63 acres of copyhold land of the manor having been washed away by the sea.

Table 5:15 'Waste' at Owthorne representing nominal annual copyhold rents lost through encroachments by the North Sea upon the land.

Year	'Waste' Nominal lost rent			Year	'Waste' Nominal lost rent		
	£	s	d		£	s	d
1752	11	4	2	1791	11	13	0
1756	11	7	0	1792	11	14	4
1775	11	11	7	1795	12	15	10
1786	11	12	6				

Sources: Constable account books, ERRAS, DDCC 141/25 and DDCC 141/36.

The enclosure award for Owthorne was made in 1815 when the two commissioners allotted a total of 577a 3r 7p of arable, meadow and pasture land to individuals.¹¹¹ Two manors were involved in the enclosure, the Manor of Withernsea with Owthorne and the Manor of Withernsea with Owthorne Priorhold, parcel of Kirkstall. Francis Constable was the lord of both manors in 1815, and in the usual Constable manner, there was a mixture of land held copyhold free and in bondage. The enclosure awards for Owthorne are shown in Table 5:16. The copyhold, open land awarded at Owthorne in 1815, amounted to a total of 98a 1r 18p. or 17%.

Table 5:16 Land areas by tenure, awarded by the Enclosure Commissioners at Owthorne in 1815.

Tenure	Area		
	a	r	p
Freehold	479	1	29
Copyhold			
(1) Manor of Withernsea with Owthorne (In Bondage)	92	2	6
(2) Manor of Withernsea with Owthorne (Copyhold Free)	2	2	30
(3) Manor of Withernsea with Owthorne Priorhold, parcel of Kirkstall	3	0	22
Total area awarded	577	3	7

Source: Enrolled enclosure award dated 17 October 1815. RDB CQ/401/23.

The Owthorne Enclosure Act of 1806¹¹² instructed the commissioners to award land in lieu of tithes for both the open fields and the old enclosures of the township (except for a farm called England Hill). In the event, the tithe owners received a total allotment of 117 acres in lieu of tithes,¹¹³ an award which must have had the effect of reducing the overall copyhold acreage of the two manors.

Old enclosures

In addition to the village garths, two large farms known as Foothead Garth and England Hill had both been enclosed before the beginning of the nineteenth century. At the time of the enclosure award in 1815, Richard Clark of London owned England Hill with c.200 acres and Marmaduke Prickett of Bridlington was the proprietor of Foothead Garth with c.31 acres.¹¹⁴ Both farms were freehold.

The enclosure map of Owthorne shows a total of 47 old enclosure plots with an area in 1815 of 403a 2r 19p.¹¹⁵ An analysis of the court books of the Manor of Withernsea with Owthorne¹¹⁶ and Withernsea with Owthorne Priorhold¹¹⁷ for the period 1750 to 1815, produced the following copyhold elements within the old enclosures of Owthorne:

Manor of Withernsea with Owthorne

Cottages with no land specified	: 5
Cottages with garths	: 10
Messuages with garths	: 2
Garths with no buildings	: 5
Parcels of land	: 4
A close	: 1

Only in a few instances were plot areas given in the court books, but listing where they appeared, the total area amounted to 8a 0r 16p.

Manor of Withernsea with Owthorne Priorhold.

Cottages with Garths	: 2
A messuage with garth	: 1
Garths with no buildings	: 3

Only two of these six plots included areas in the court books, giving a total area of 3r 3p and unfortunately, there was little resemblance between the plot descriptions in the court books and the details shown on the enclosure map. The investigation could not be taken further and the best that can be said is that there was a minimum of 8a 3r 19p of copyholds in the old enclosures of Owthorne.

To the copyholds identified in the old enclosures of Owthorne must be added the closes in Waxholme which were held of the Manor of Roos. Traced in the court rolls and book were: A close called Rampart Close containing 15 acres; a close called Wallstack Close containing 4 acres and a close of arable, meadow or pasture land called Dyke Butt, or Dyke Belt Close, containing 2a 2r 32p. A single mention of a copyhold plot called Emer Garth appeared in a court entry for 22 October 1783, but could not be traced further. ¹¹⁸

Patrington

The Patrington Enclosure Act of 1766 ¹¹⁹ stated:

‘Whereas within the parish of Patrington are several large open common fields, pasture, meadow and carr grounds called South Field, North Field, Ings, Red Carr, Salt Marsh and Flat Carr containing 2,500 acres, all which said open fields and grounds are Copyhold held of the several Manors of Patrington and Patrington Rectory except about three oxgangs, and the Glebe Lands which are Freehold and contain about 180 acres’.

In the award which followed in 1768, the acreage quoted in the act was quite wide of the mark, ¹²⁰ but in principle the act was correct in saying that the open fields of Patrington were largely manorial, held copyhold of the two Patrington manors.

From the time of the Restoration, the Crown had held the Manor of Patrington, but after the death of Queen Catherine in 1705, it passed into lay hands. ¹²¹ In 1739, the manor was purchased by the Hull merchant, Henry Maister, ¹²² and it was Henry’s son, also called Henry, who was lord of the manor at the time of enclosure in 1768. The commissioners awarded a total of 2,042a 3r 21p of open arable, meadow and pasture land to individuals, ¹²³ out of which 1,628a 2r 4p, or 79.7% was copyhold. The tenurial separation in the award is shown in Table 5:17.

Table 5:17 Patrington open land awarded to individuals, by tenure, in 1768.

Tenure	Area awarded		
	a	r	p
Freehold	414	1	17
Copyhold			
(1) Manor of Patrington	1,551	2	0
(2) Manor of Patrington Rectory	77	0	4
Total award	2,042	3	21

Source: Enrolled enclosure award dated 21 September 1768. RDB AK/98/8.

The act of 1766 made provision for the allotment of land in lieu of tithes on the basis of 2/15th of the value of the open fields. The Rev. Nicholas Nichols, lord of the Manor of Patrington Rectory, claimed the great and small tithes in the parish and his award of 164a 1r 21p of land,¹²⁴ in lieu of tithes, would have reduced the overall acreage of copyhold land in the parish.

Henry Maister, lord of the Manor of Patrington, received a total of 144 acres of land at the enclosure, but unusually only 19 acres were designated as being freehold in the award. The remainder, which had largely been purchased by Maister since the passing of the act, was still listed as being of copyhold tenure. Of the residual awards of land, only Ellin Ellis (12a 3r 15p) and Joseph Fallowfield (1a 3r 31p) received freehold allotments from the commissioners.¹²⁵

Old enclosures

At the time of the enclosure of the open fields, the largest part of the old enclosures of the parish belonged to Henry Maister. His share of the Growths, the Enholmes, the Davy lands and the central village garths amounted to 688 acres.¹²⁶ In addition, he owned an area called the West Lands, which contained c.170 acres.¹²⁷

According to a schedule entitled, 'Patrington Ancient Inclosure 1769', ¹²⁸ which followed the enrolled enclosure award, there was a total of 931a 0r 32p of old enclosures in the parish, excluding the West Lands. From this total, 146a 0r 8p has been positively identified as being of copyhold tenure. ¹²⁹ In the main these holdings were small village tenements and shops with adjoining garths to the rear. Seventy-three copyholders at Patrington were the proprietors of 115 separate plots, half of which (57) possessed ground areas of less than one rood.

Paull

The parish of Paull, which included the township of Thorngumbald and the hamlets of Paull Holme and Newton Garth, contained 6,911 acres in 1853. ¹³⁰ Enclosure came to Thorngumbald with an agreement made in June 1757, followed by the award six months later. ¹³¹ The three commissioners responsible for dividing up the seventeen open fields, allotted 979 acres to individuals, all of which were freehold in tenure. The hamlets of Paull Holme and Newton Garth had been enclosed piecemeal in early times ¹³² and no copyhold land has been identified in either place for the period under examination.

The remaining open fields of Paull parish were enclosed at a relatively late date with an award of 1822 ¹³³ taking place eleven years after its parliamentary act of 1811. Only 423 acres of open fields, meadow and pasture grounds were allotted by the three commissioners, all of which were of freehold tenure. There were no copyhold lands traced in the open fields of the parish, and this falls in line with Henry Waterland's writings c.1760 that Paull was, 'a Freehold Manor', belonging to the Constables. ¹³⁴ The court rolls of the Manor of Roos do, however, record one copyhold estate in the old enclosures of the parish. A court entry dated 24 April 1771 confirms the surrender by William and Robert Watson to Ralph Bird, of 'one cottage house with croft and outhouses in Paghill Fleet, otherwise Low Paull'. ¹³⁵ As the admittance fine in this case was only 15 shillings, the estate is likely to have been extremely

small in size, hence a nominal estimate of one acre has been allowed for this in the final analysis.

Skeffling

The parish of Skeffling, said to contain 1,834 acres in 1851 ¹³⁶ was enclosed in 1765 following an act of parliament ¹³⁷ passed in the previous year. The award ¹³⁸ speaks of 1,191 acres of open fields and grounds, but only 1,164a 2r 14p were allotted to individuals holding land of mixed tenures, freehold and copyhold, held of four different manors.

The largest of the four manors was the Manor of Easington, Kilnsea and Skeffling, which like the Manor of Burstwick, had passed into the hands of the Constables by 1568. ¹³⁹ The next largest in size was the Manor of Burstall, or Burstall Garth. Prior to the Dissolution of the Monasteries, the Manor of Burstall belonged to the Cistercian monks at Kirkstall Abbey, but after the Dissolution, the manor was held by a succession of lay owners. ¹⁴⁰ At the time of enclosure in 1765, Marmaduke Prickett, a lawyer of Bridlington, was lord of the manor. The manorial holdings in Skeffling also included small areas held of the Manors of Thornton in Easington and Out Newton. The Skeffling enclosure awards and their tenures are shown in Table 5:18. The copyhold open land awarded at Skeffling in 1765 amounted to a total of 541a 2r 8p or 46.5%. The Skeffling Enclosure Act laid down that the tithes of both the open fields and the old enclosures were to be commuted by a monetary payment. Hence there was no reduction of copyhold land on account of the tithe commutation.

Table 5:18 Skeffling open land awarded to individuals, by tenure, in 1765.

CF = Copyhold Free; CB = Copyhold in Bondage

Tenure	Area awarded		
	a	r	p
Freehold	622	3	6
Copyhold:			
(1) Manor of Easington, Kilnsea and Skeffling (CF.)	245	2	18
(2) Manor of Easington, Kilnsea and Skeffling (CB)	175	3	31
(3) Manor of Burstall Garth	110	0	34
(4) Manor of Thornton in Easington	5	0	3
(5) Manor of Out Newton	4	3	2
Total award	1,164	1	14

Source: Enrolled enclosure award dated 3 February 1767. RDB AH/126/4.

Old enclosures

Although Skeffling followed the familiar Holderness pattern of being a two-field parish, the village garths formed a squarish appearance rather than the usual ribbon pattern. In addition, there were scattered pockets of old enclosures lying to the north and north-west of the parish. The main area of old enclosure of the parish, lay at the southern end stretching along a length of the river Humber. This was known as Winsetts, and in the seventeenth century had been a separate manor with 257 acres of land attached.¹⁴¹ By 1765, when the open fields of Skeffling were enclosed, Winsetts was shared by a number of proprietors, almost all of whom were freeholders.¹⁴²

The old enclosures of Skeffling were said to contain c. 530 acres in 1765.¹⁴³ By checking the court books of the Manor of Easington, Kilnsea and Skeffling in the period 1747 to 1770, and cross-checking with a copy of the Skeffling enclosure map, and a later map of the parish dated 1832,¹⁴⁴ it had been possible to identify 31 plots in the old enclosures which were of copyhold tenure. These occupied a total area of 111a 0r 0p as laid out in Table: 5:19.

Table 5:19 Copyholders in the old enclosures of Skeffling at 1765.

Proprietor	No. of plots held	Total copyhold area		
		a	r	p
Ainscough	1	0	2	3
Robert Bee	8	36	0	27
John Brough	2	6	2	7
Rev. John Clarke	1	1	3	35
Ann Harrison	1	0	1	0
Henry Holme	5	12	2	7
Christopher Jefferson	3	7	1	20
Richard Labourer	1	0	1	22
Maines	1	0	0	17
Sir William Milner	1	4	1	28
Thomas Nelson	1	0	0	28
Marmaduke Prickett	3	29	3	0
Henry Stork	1	1	1	11
Thomas Story	1	6	2	4
John Thorp	1	2	3	31
Totals	31	111	0	0

Sources: Court books of the Manor of Easington, Kilnsea and Skeffling 1747-70, ERRAS, DDCC(2)/81; A copy of the Skeffling enclosure map, ERRAS, IA; A copy of a plan of the township of Skeffling, 1 May 1832. HCRO, DMS 4/4.

NB. Of the 31 plots, 25 were held of the Manor of Easington, Kilnsea and Skeffling; 5 of the Manor of Burstall; and one of the Manor of Thornton in Easington.

Sunk Island

The shape of the parish of Sunk Island, occupying a substantial area of 7,334 acres,¹⁴⁵ has resulted from a continuous history of the embankment and reclamation of sands and soil from the river Humber, beginning with Colonel Anthony Gilby, the Crown's lessee in 1669, and continuing into modern times.¹⁴⁶ The Crown has always claimed Sunk Island, and was successful in fighting off a legal challenge for ownership brought by the Constables at York Assizes c.1796. Since 1833, the Crown has directly rented out farms on Sunk Island and although some of the farmhouses have now been sold to sitting tenants, the fertile land remains Crown property.¹⁴⁷ No copyhold land has ever been present in the parish.

Welwick and Weeton

The adjoining townships of Welwick and Weeton are situated between Patrington to the west and Skeffling to the east. Like their neighbour Skeffling, both townships shared a southern boundary along the bank of the river Humber. In the eighteenth century the parish of Welwick included Weeton and also the old enclosures of Welwick Thorpe and Ploughland. The total parish area, estimated at 3,515 acres in 1852,¹⁴⁸ was made up as follows: Welwick 1,270 acres; Weeton 887 acres; Welwick Thorp 792 acres and Ploughland 566 acres. The enclosure award for Welwick and Weeton was made in 1771,¹⁴⁹ following an act of parliament passed in 1768.¹⁵⁰ The award, enrolled at Beverley on 7 May 1771, spoke of the division and allotment of 1,550a 1r 12p of open fields, lands and grounds, out of which 1,527a 3r 0p were awarded to individuals.

The manorial situation of the parish was complex. Until the Dissolution of the Monasteries, the Manor of Welwick had been in the hands of the Collegiate Church of St. John of Beverley, but subsequently the Crown retained the manor which was usually styled the Manor of Welwick Provost. In 1614 the manor passed into private hands and at enclosure, Henry Ralph Crathorne was lord of the manor and the principal recipient of awarded land.¹⁵¹ Within the parish was land held of the Manor of Kelk. This small manor had also belonged in pre-Reformation times to the canons of St. John, but later passed through a number of lay hands. Thomas Owst purchased the manor in 1749 and he remained as lord of the manor when enclosure came in 1771.¹⁵² The ownership of Weeton Manor followed a similar path to those of the Manors of Welwick Provost and Kelk. After the Reformation, a succession of lay lords held the manor until Robert Dingley and his wife Esther, emerged as lord and lady of the manor at the time of enclosure.¹⁵³ Finally, in the award, an allotment of 9a 3r 14p, held of the

Manor of Holmpton, was made to Robert Robinson of Patrington. The full list of the awards and their tenures is shown in Table 5:20.

Table 5:20 Welwick and Weeton open lands awarded to individuals, by tenure, in 1771.

Tenure	Area awarded		
	a	r	p
Freehold	1,156	3	29
Copyhold:			
(1) Manor of Welwick Provost	231	1	31
(2) Manor of Weeton	94	1	37
(3) Manor of Kelk	35	0	9
(4) Manor of Holmpton	9	3	14
Total award	1,527	3	0

Source: Enrolled enclosure award dated 7 May 1771. RDB AN/34/5.

The copyhold, open land awarded at Welwick and Weeton in 1771 amounted to a total of 370a 3r 11p or 24%. The Enclosure Act of 1768 made provision for the award of land in lieu of tithes. Henry Ralph Crathorne, who owned the main portion of the tithes of the parish, received a total allotment of 178a 2r 0p in Welwick and Weeton, in commutation of the tithes.¹⁵⁴ This award would automatically have reduced the post-enclosure total of copyhold land in the parish.

Old enclosures

The enclosure award for Welwick and Weeton included a list of, 'Several gardens, orchards, crofts and ancient enclosed lands and grounds in Welwick and Weeton'.¹⁵⁵ This list only quoted proprietors' names and areas held, but a separate schedule dated 9 February 1771,¹⁵⁶ provides the necessary information on the tenures, and the manors to which each copyhold plot belonged. Combining these two sources, which tally in almost all respects, a total of 343a 1r 4p is obtained for the old enclosures of the two townships,¹⁵⁷ made up from: Welwick

187a 2r 20p and Weeton 155a 2r 24p. Out of this total area, it was possible to identify 62a 2r 30p of land as being held copyhold of the various manors involved.

Although no copyhold land had been traced in the old enclosure of Ploughland, an entry in a court book of the Manor of Patrington revealed some parcels of copyhold land in Welwick Thorpe. A compensation agreement made between George Dibnah and the Commissioners of Crown Lands, made on 11 January 1937 stated: ¹⁵⁸

‘Sixteen acres of land dispersed in Welwick in an area called Thorpe North Field, held of the Manor of Patrington, formerly in the tenure of David Stephenson Burnham’.

In a similar fashion, whereby a manor of one parish held land in a neighbouring parish, two further parcels of old enclosures, within the parish of Welwick, were held of the Manor of Holmpton. In a letter written by the manor’s steward to the Copyhold Commissioners in 1855, ¹⁵⁹ the steward listed the remaining copyholds of the manor. Included in the list were:

‘Sophia Broadley of Welton House, spinster, 4 acres of pasture ground, being half a close in Middle Enholmes, within the parish of Welwick.

The Rev. G.T. Potchett, rector of Denton, Lincs., a close called North Penstrop, containing 5 acres’. ¹⁶⁰

If the copyhold acreage, held of the Manor of Patrington, and the two acreages of the Manor of Holmpton are added to the 62a 2r 30p previously found, a total copyhold area of 87a 2r 30p was present in the old enclosures of the parish of Welwick.

Winestead

The parish of Winestead was enclosed over a long period of time stretching from the late fifteenth century to the mid-eighteenth century. ¹⁶¹ The last vestiges of open land were enclosed there in 1758, with an agreement forged between the two remaining land owners, Sir Robert Hildyard, the lord of the manor and the rector. ¹⁶² All the land of the parish, quoted as

occupying 2,108 acres in 1852, ¹⁶³ was freehold and no copyhold land has been traced at Winestead during the period under investigation.

SOUTH HOLDERNESS ANALYSIS

Open Fields

Table 5:21 Copyhold acreages in the former open fields of the parishes and townships of the Southern Division, as identified from the enclosure awards, 1757-1843.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Encl. Award	Total area Awarded Acres	Freehold Awarded Acres	Copyhold Awarded Acres	% Copyhold of the total
Burstwick and Skeckling	1777	881	797	84	9.6
Ryhill and Camerton	1810	1,446	1,446	0	0
Easington	1771	1,131	315	816	72.0
Out Newton	1757	601	601	0	0
Hollym and Withernsea	1797	1,899	1,548	351	18.5
Holmpton	1807	864	852	12	1.4
Keyingham	1805	1,400	510	890	63.5
Kilnsea	1843	544	195	349	64.1
Ottringham	1760	2,912	2,902	10	0
Owthorne	1815	578	479	99	17.0
Patrington	1768	2,043	414	1,629	79.7
Paull	1822	423	423	0	0
Thorngumbald	1757	979	979	0	0
Skeffling	1765	1,165	623	542	46.5
Welwick and Weeton	1771	1,528	1,157	371	24.3
Totals:		18,394	13,241	5,153	28.0

To these totals, the freehold and copyhold portions of the unenclosed area known as Dimlington Firth, in the parish of Easington, (see page 129) should be added. This brings the final figures to:

	Total area acres	Freehold acres	Copyhold acres	% Copyhold of the total
Dimlington Firth	123	20	103	83.7
Totals	18,517	13,261	5,256	28.4

In respect of Table 5:21 it should be noted that the freehold parishes of Halsham and Winestead, both of which were largely enclosed before 1750, are considered to be old enclosures and are dealt with in table 5:22. The area of Sunk Island has been eliminated altogether from the analysis because it was formed from silt and soil reclaimed from the waters of the Humber, and has always been Crown land.

Old Enclosures

Table 5:22 Copyhold acreages in the old enclosures of the parishes and townships of the Southern Division, as identified in the period 1750-1850.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Total area of old enclosures Acres	Copyhold area Acres	% Copyhold of the total
Burstwick and Skeckling including Ryhill and Camerton	2,145	112	5.2
Easington including Out Newton and Dimlington Closes	1,106	586	53.0
Halsham	2,907	0	0
Hollym and Withersea	2,515	89	3.5
Holmpton	1,039	1	0.1
Keyingham	2,044	88	4.3
Kilnsea including Spurn Point	322	147	45.7
Ottringham	1,393	2	0
Owthorne including South Frodingham, Rimswell and Waxholme	3,384	31	0.9
Patrington	1,101	146	13.3
Paull including Paull Holme and Thorngumbald	5,509	1	0
Skeffling	530	111	20.9
Welwick and Weeton including Welwick Thorpe and Ploughland	1,701	88	5.2
Winestead	2,108	0	0
Totals	27,804	1,402	5.0

Table 5:23 A consolidation of Tables 5:21 and 5:22 to show the total copyhold acreage identified in the Southern Division of Holderness, in the period 1750-1850.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Total parish area c.1852 Acres	Total area of copyholds Acres	% Copyhold of the total area
Burstwick and Skeckling including Ryhill and Camerton	5,611	196	3.5
Easington including Out Newton and Dimlington	2,995	1,505	50.0
Halsham	2,907	0	0
Hollym and Withernsea	4,249	440	10.4
Holmpton	519	13	2.5
Keyingham	3,461	978	28.3
Kilnsea including Spurn Point	911	496	54.5
Ottringham	4,320	12	0.3
Owthorne including South Frodingham, Newsome, Rimswell and Waxholme	4,032	130	3.2
Patrington	3,741	1,775	47.5
Paull including Thorngumbald, Paull Holme and a small part of Camerton	6,911	1	0
Skeffling	1,834	653	35.6
Welwick including Welwick			
Thorpe and Ploughland	3,515	459	13.1
Winestead	2,108	0	0
Totals:	47,114	6,658	14.1

Table 5:21 shows that 28.0% of the open arable, meadow and pasture grounds of the Southern Division of Holderness was still held of copyhold tenure at the time of enclosure. The pattern of tenure in the division was one of patchwork, where parishes which contained high levels of copyhold land, as for example Patrington and Keyingham, could lie side-by-side with another parish whose land was almost entirely freehold like Ottringham and Paull.

In the eighteenth and the early part of the nineteenth centuries, copyhold land was lost in South Holderness by two principal causes. First by the constant erosion of the coastline through the action of the sea, with Owthorne, Withernsea, Hollym, Holmpton, Out Newton, Easington and Kilnsea all suffering extensively from this phenomenon. The complementary

gain of land by embankment on the side of the river Humber, did not compensate for this loss of copyhold land, because it was taken either by the Crown, as in the case of Sunk Island, or by the lord of the manor, for example Henry Maister at Patrington, to become freehold land.

A second cause of the loss of copyholds was through the mechanism of parliamentary enclosure. Parishes where land was awarded in lieu of tithes, saw an overall reduction in the acreage of copyhold land and a corresponding increase in the freehold content of the parish. The enclosures at Burstwick and Skeckling, Hollym and Withernsea, Keyingham, Owthorne, Patrington, Welwick and Weeton, all involved copyhold reductions as a result of the commutation of tithes.

From 1774, some copyhold enfranchisement occurred in the Southern Division, but only at Burstwick and Skeckling were copyholds converted to freeholds prior to enclosure. Easington was not affected until 1775, four years after the enclosure award.¹⁶⁴

Allotments to the lord of the manor in lieu of his 'rights of soil' could have been an additional factor in reducing copyholds but South Holderness parishes contained very little waste and the remaining commons were not extensive. Compared with relatively large awards made, for example, in North Lincolnshire,¹⁶⁵ South Holderness lords received little, or nothing at all, by way of land awards for their 'rights of the soil'. By far the largest allotment in this category was to Henry Maister with 10a 3r 33p at Patrington.¹⁶⁶ The next in descending order was William Constable's 4a 0r 8p in Easington¹⁶⁷ and all other allotments to the various lords were of one acre or less.

A positive factor in augmenting copyholds at enclosure was the allotment of land to 'landless' cottagers, who held common rights or other perquisites such as rights of average in the open fields. Once again this factor had a very minor effect on the total scene as not every cottager had common rights,¹⁶⁸ and not every cottager was a copyholder. In cases where the

commissioners did allot land in the open fields in lieu of common rights, awards varied from 1a 0r 32p for one cottage right at Hollym, down to 1r 14p in Keyingham.

A more consistent pattern of tenure was present in the old enclosures of the parishes of the Southern Division, where the vast majority of closes and garths of arable, meadow and pasture land were all freehold by the mid-eighteenth century. The large freehold enclosures of the North and South Parks of Burstwick and Skeckling, Saltaugh Grange, Keyingham Marsh, England Hill and Foothead Garth in Owthorne, the Enholmes and West Lands in Patrington Welwick Thorpe and Ploughland in Welwick had no copyhold rivals. The very modest copyhold areas of arable, meadow and pasture land such as were found in the Dimlington Closes, the Marshes of Easington, Toleys at Burstwick and the West Marshes of Kilnsea were really quite exceptional. There were high concentrations of copyhold tenements in a number of village garths, as for example, in townships like Patrington, Welwick and Withernsea. However, these individual plots, usually described as a cottage or tenement, and garth rarely exceeded one half of an acre and were often much smaller. Nevertheless, it will be seen subsequently that these small copyhold tenements often proved to be of very durable tenure and caused the most difficulty to manorial stewards in securing compensation agreements post-1925.

MIDDLE HOLDERNESS

Aldbrough

In 1855 the parish of Aldbrough, which included the townships of Aldbrough, East Newton, West Newton and part of Little Cowden, was said to occupy 6,396 acres.¹⁶⁹ The township of Aldbrough alone extended to 1,933 acres,¹⁷⁰ but when enclosure came in 1766, the remaining open fields, meadow and pasture grounds divided and awarded by the commissioners only accounted for 1,848a 3r 0p.¹⁷¹ The Enclosure Act passed in 1764¹⁷² mentioned a total of 80½ oxgangs of land in the open fields, plus some 'odd lands'. In the award¹⁷³ which followed in 1766, there was just one recorded copyhold, the award of five allotments totalling 36a 2r 21p to Betty Ann Jarratt, in lieu of her 2 oxgangs held copyhold in bondage of the Manor of Roos.¹⁷⁴

Old enclosures

The enclosure award mentioned 62 messuages, or cottages, in the township which had common rights, but it would appear that all the allotments made in lieu of common rights were of freehold tenure. In addition to the village garths, there were four other isolated pockets of old enclosures within the township of Aldbrough. In these areas the only copyholds traced were a single, 'messuage, tenement or farmhouse, with barns, stables, outbuildings and garth containing 1a 1r 21p' and, 'a cottage house and garden divided into two tenements' occupying six perches, called the Black House. Both these properties were held of the Manor of Roos.¹⁷⁵

Bewick, Carlton, Etherdwick, Fosham and Tansterne

These hamlets were all situated within the parish of Aldbrough. In the period under investigation, no copyholds have been found in Bewick, Carlton, Fosham and Tansterne, which jointly occupied an area of about 3,042 acres.¹⁷⁶ In the case of Etherdwick, a single

entry in the court rolls of the Manor of Roos dated 13 May 1767 recorded the admittance of Robert Esk to :

‘A messuage with barn, stables, outhouses, garth and one oxgang of land arable, meadow or pasture in Ethernwick (sic), in the parish of Aldbrough. Yearly rent to the lord five shillings. Entry fine £28: 0s: 0d’.¹⁷⁷

This entry is unusual in that whilst Ethernwick had been enclosed by agreement in the period 1648-51,¹⁷⁸ the land was still described as an ‘oxgang’ in the court rolls of 1767. Unfortunately, the estate could not be traced further and a nominal area of 15 acres is estimated for this land which appears in the analysis of old enclosures of the Middle Division in Table 5:32.¹⁷⁹

East Newton

The township of East Newton, situated at the south-eastern extremity of the parish of Aldbrough, shared its eastern boundary with the North Sea. The total area of the township was said to be 630 acres in 1856.¹⁸⁰ It underwent parliamentary enclosure 1770-72 when 486 acres were allotted to six freeholders with not a trace of copyhold.¹⁸¹

West Newton

No copyholds existed in the township within the period under examination.¹⁸²

Burton Pidsea

The parish of Burton Pidsea formed one of the principal components of the Manor of Burstwick, held by the Constables since 1560.¹⁸³ Burton Pidsea was unusual in that although many of the proprietors were copyholders, enclosure was brought about by first drawing up articles of agreement.¹⁸⁴ The process was not entirely straight-forward, however, in that a petition against the enclosure was filed by a number of the land owners at a late stage on 4 February 1761. In the petition it stated:

‘... a very great part of the lands intended to be inclosed is copyhold in bondage, subject to very high fines and particularly to Lord’s rent of 20d per acre, and is in general of so bad a quality as to be capable of very little, if any, improvement by inclosure...’¹⁸⁵

Inevitably, this petition brought by a minority of smallholders, carried little weight at Westminster and the Enclosure Act received the Royal Assent on 19 March 1761. The award¹⁸⁶ of 1762 allotted 2,024 acres with a tenurial split as shown in Table 5:24. The tithes of the open fields and the Ings were commuted by an annual rent payment. The lord of the manor, William Constable received no award for his ‘right of the soil’ and it would appear that there were no landless cottagers receiving allotments in the open fields in lieu of lost common rights.

Table 5:24 Land awarded at the enclosure of Burton Pidsea, by tenure in 1762.

Tenure	Land awarded		
	a	r	p
Freehold and leasehold	784	2	3
Copyhold:			
In bondage	1,169	2	18
Free	39	3	39
Roads etc.	30	0	26
Totals	2,024	1	6

Source: Enrolled enclosure award dated 22 May 1765. RDB AF/34/7.

Old enclosures

In 1762 the old enclosures of Burton Pidsea resembled in shape a seriffed letter ‘I’ separating the North Field and the Ing Carr on one side from the South Field and open pasture land called the Greens on the other. There is clear evidence from the court books of the Manor of Burstwick that a triangular-shaped area of 22a 3r 11p, sited at the south-western extremity of the village garths had been enclosed out of the open South Field about 1750, only a decade or

so prior to parliamentary enclosure.¹⁸⁷ The enclosure map¹⁸⁸ shows this area with the names of Holmes Close and Peas Hill, consisting of seven plots owned by six proprietors. Five of the seven plots have been identified as copyholds and it would seem likely that the tenures of the former open lands were maintained when this piecemeal enclosure took place.

The enclosure surveyors reported a total area of 209a 0r 27p for the old enclosures of Burton Pidsea,¹⁸⁹ an area which was divided into 70 separate plots held by 38 proprietors. The largest copyhold plot found was Henrietta Mottram's, Bramhill or Bramar Hill, measuring 18 acres, but nineteen out of 45 copyhold plots identified were less than one acre in size. From the usual sources¹⁹⁰ it has been possible to calculate a total copyhold area of 119a 3r 18p for these 45 plots, equivalent to 57% of the old enclosures of the parish.

Drypool

The old parish of Drypool, which included the township of Southcoates, or Sudcoates, and an area of open pasture ground called Summergangs, extended to 1,641 acres.¹⁹¹ Drypool was enclosed piecemeal in the seventeenth century¹⁹² leaving the open pasture ground of Summergangs containing 657a 2r 0p to be enclosed in 1748.¹⁹³ The three open fields of Southcoates, called East Field, West Field and the South Ings, were enclosed by an agreement dated 24 December 1756 and award of 16 November 1757.¹⁹⁴ The evidence from all the parish enclosures reveals no presence of copyholds.

Garton

The parish of Garton, which included the hamlet of Grimston Garth and some land in the township of Owstwick, was said to contain 1,797 acres in 1856.¹⁹⁵ The Manor of Garton, or Garton with Grimston, had been in the hands of the Grimstons since 1544.¹⁹⁶ Although there was a report of the parish being, 'largely open c.1686', no documentation concerning the

enclosure of Garton has been found.¹⁹⁷ Similarly, no evidence of any copyholds in the parish has been traced.

Hedon

Hedon laid claim to borough status as far back as the reign of Henry II.¹⁹⁸ It was incorporated by the so-called 'Great Charter' of Edward III in 1348,¹⁹⁹ when the office of mayor was first instituted and subsequently the borough and its burgesses were governed by the clauses of a charter granted by Elizabeth I in 1565, including representation in Parliament by two Hedon freemen.²⁰⁰ The procedural book of the Manor of Burstwick, written in 1791, included the information, 'There are some small Copyhold Estates held of this Manor lying in Owstwick, Tunstall and Hedon'.²⁰¹ Unfortunately, whereas entries for Owstwick and Tunstall do appear in the court books of the Manor of Burstwick from 1747 to 1925,²⁰² there is not a single entry relating to Hedon. J.R. Boyle in his *Early History of the Town and Port of Hedon* devoted a whole chapter to tenure in Hedon.²⁰³ In it he described an action brought in 1630 by Henry Constable, first Lord Dunbar, claiming that, 'the town was holden of the said plaintiff's Manor of Burstwick'. The Corporation of Hedon stoutly defended their right of free burgage within the seignory of Holderness and won their case, with the sole reservation that escheats, 'should fall into the hands of the lord of the seignory'.²⁰⁴ A survey of the estate of William Constable in Holderness 1779 by his steward John Raines²⁰⁵ lists only two rented properties in Hedon, neither of which appears as copyhold. Also a careful search through the two surveys of Hedon carried out in 1804 and 1838,²⁰⁶ and the Register of voters in Hedon for 1889 and 1911,²⁰⁷ failed to find any reference to copyholds in the borough. Until 1935, the area of the borough was 321 acres.²⁰⁸

Hilston

Situated south of the parish of Garton, but protected from the ravages of the North Sea by the larger parish of Tunstall, Hilston contained 553 acres in 1855.²⁰⁹ Hilston was listed by Mrs Neave amongst those townships, 'for which no date of enclosure has been found',²¹⁰ Similarly, no copyhold land has been traced in Hilston.

Humbleton

In 1855 the parish of Humbleton was said to contain 6,269 acres,²¹¹ and within the parish were the townships of Humbleton, Danthorpe, Elstronwick,²¹² Fitling and Flinton. Humbleton township with 1,477 acres²¹³ had been enclosed in early times.²¹⁴ By 1840, the lord of the manor and principal landowner, was Beaumont the third Lord Hotham.²¹⁵ Poulson labelled the manor freehold, and described Humbleton village as:

'The vicarage, five farm houses, the school-house, ten cottages, and seven (cottages) also the property of the parish, erected on the waste, form the entire village'.²¹⁶

No copyholds have been traced in the township of Humbleton.

Danthorpe

This hamlet within the parish of Humbleton was said to occupy 736 acres in 1855.²¹⁷ The enclosure of Danthorpe had taken place by agreement signed on 21 June 1734, followed by a deed poll completed on 30 October 1735.²¹⁸ The enclosure saw the division and allotment of 516 acres of freehold and leasehold land. No copyholds have been traced for Danthorpe.

Fitling

This hamlet occupying 1,504 acres in 1855,²¹⁹ had been enclosed by agreement in 1640.²²⁰ The Manor of Fitling was purchased by the Storr family of Hilston in the late seventeenth century, which family maintained regular court sessions at the manor house in Fitling until the mid-eighteenth century. A call roll of 1752 survives for a court of Joseph Storr, listing the

names of 54 freeholders and tenants, all suitors to the court. ²²¹ In this case the term 'tenant' applied to men farming the land under rack rent terms and not as copyholders.

In 1840, Poulson described the manor as:

'The manor consists of 1,420 acres, and is co-extensive with the township... The principal proprietors are E.H. Reynard Esq., who owns most of the soil, and Sir Tatton Sykes'. ²²²

No copyholds have been traced for Fitling.

Flinton

This hamlet occupying 1,398 acres in 1855, ²²³ was also said by Poulson to be co-extensive with the manor. ²²⁴ The two large open cornfields and pasture ground of Flinton which contained, '42½ oxgangs and some odd lands' were enclosed by agreement reached on 31 December 1751. ²²⁵ In the award 605a Or 11p of land was allotted, all of which was of freehold tenure. ²²⁶ No copyholds have been traced for Flinton.

Elstronwick

Prior to enclosure in 1813, the township of Elstronwick exhibited the usual Holderness pattern of two large open arable fields, North Field and South Field and an area of meadow ground called the Ings. Surrounded by the neighbouring townships of Burstwick, Burton Pidsea, Danthorpe, Humbleton and Lelley, Elstronwick was said to contain 1,154 acres in 1855. ²²⁷

Two manors held land in Elstronwick, the first being known as the Manor of Elstronwick and the second was a constituent part of the Manor of Burstwick. At the time of enclosure, Philip Blundell of Tiverton, Devon, was lord of the Manor of Elstronwick and Francis Constable was lord of the Manor of Burstwick. The procedural book for the Manor of Burstwick quantified the open fields as:

'32 oxgangs: 10 oxgangs held of the Manor of Burstwick; 20 oxgangs held of the Manor of Elsternwick (whereof Charles Anderson Pelham esq. is Lord); 2 oxgangs freehold.

The oxgangs contain about 28 acres each upon an average viz 12 acres in each arable field and 4 acres in meadow ground in the Ings' ...²²⁸

Based on this description, 32 oxgangs would give an acre equivalent of 896 acres and this closely approximated to the enclosure commissioners total award of c.892 acres. In a similar calculation, the acre equivalent for the quoted 30 copyhold oxgangs should have equated to 840 acres, but in the award of 1813,²²⁹ only 561a 3r 27p were designated as being of copyhold tenure. The awards and their tenures are shown in Table 5:25.

Table 5:25 Elstronwick open lands awarded to individuals, by tenure, 1813.

Tenure	Area awarded		
	a	r	p
Freehold	330	0	39
Copyhold			
(1) Manor of Elstronwick	351	1	12
(2) Manor of Burstwick			
Copyhold in Bondage	210	2	15
	892	0	26

Source: Enrolled enclosure award dated 24 February 1814. RDB CQ/218/15.

Rather unusually for the Manor of Burstwick where a mixture of copyhold free and in bondage was the norm, all the copyhold land awarded in Elstronwick was held in bondage. The award also spoke of the land of the Manor of Elstronwick as being copyhold in bondage.

The Elstronwick Enclosure Act²³⁰ made provision for the commutation of the tithes. This accounted for 172 acres, a proportion of which must have been copyhold prior to enclosure. Neither lord received any land for their 'right of the soil', and no allotments were made in lieu of loss of common rights.

Old enclosures

In 1813 the old enclosures of the township of Elstronwick appeared in the usual ribbon formation of village garths separating the two large open arable fields. In addition to the village garths, an area known as the Elstronwick demesne, containing c.140 acres, was also old enclosure land.²³¹ The Elstronwick Enclosure Act stated that these lands,

‘... are within or parcel of the Lordship or Parish of Skeckling cum Burstwick, were anciently part of the Elsternwick Demesnes, and are now belonging to John Bell the elder, Robert Bell, William Stephenson and Henry Pudsey, gents’.²³²

All 140 acres of the Elstronwick demesne were of freehold tenure.

The village garths of Elstonwick occupied a total of 46a 0r 22p and it is fortunate that a full tenorial survey²³³ has survived for these old enclosures, at the time of the enclosure of the open fields. This shows a freehold portion of 6a 1r 12p; copyhold in bondage of the Manor of Burstwick 12a 2r 18p and 27a 0r 32p held copyhold in bondage of the Manor of Elstronwick. Of the 39 plots²³⁴ making up the village garths, the largest was only marginally in excess of 4½ acres, and the majority of plots (18) were under one acre in size.

Marfleet

Described in 1856 as being situated, ‘on the fertile marshes on the north side of the river Hull’,²³⁵ Marfleet was said to occupy 1,285 acres.²³⁶ The 1763 Marfleet Enclosure Act²³⁷ described the open fields as:

‘Containing 24 oxgangs, which all lie open and unenclosed and commonable for the cattle of the Freeholders and Owners of Lands within the Chapelry and lordship of Marfleet’.

Since 1530, St. John’s College, Cambridge had been the principal landowners in the parish²³⁸ and at the time of the enclosure award in 1764, the College received 331 acres from the commissioners.²³⁹ In all, the three commissioners allotted a total of 963a 3r 29p

to individuals, all of which were freehold. No copyhold land or houses have been traced in the parish of Marfleet which was absorbed into the borough of Kingston upon Hull in 1882.²⁴⁰

Owstwick

The township of Owstwick, which was said to contain 1,337 acres in 1855,²⁴¹ lay partly in the parish of Garton and partly in the parish of Roos. The township was enclosed in 1649.²⁴²

Surprisingly, in view of its close proximity to Roos, no land in Owstwick appears to have been held of the Manor of Roos, but one close containing 2½ acres, called Carlton Croft, formed a small 'outlier' of the Manor of Burstwick. The court books of that manor show that a William Ford was the copyholder in 1769, but a grandson, John Ford, subsequently sold the close to Sir Christopher Sykes of Sledmere in 1801.²⁴³ No other copyholds have been traced for Owstwick.

Preston

In 1852 the parish of Preston, which included the townships of Preston and Lelley, was said to contain 5,804 acres made up from 5,012 acres in Preston and 792 acres in Lelley.²⁴⁴ Preston formed a major constituent of the Constable's Manor of Burstwick which had been held by the family since the purchase from Henry Neville, earl of Westmorland, in 1560.²⁴⁵ A second, much smaller manor, known as the Manor of Preston Rectory also held land within the township of Preston. The procedural book of the Manor of Burstwick²⁴⁶ stated that prior to enclosure, the open fields consisted of, 'about 130 oxgangs containing by estimation 35 acres each'. It further informed that of these 130 oxgangs, 64 were copyhold which would have equated to 2,240 acres in the open fields of Preston. Confirmation of the total extent of open

land in the township comes from the preamble of the Preston Enclosure Act of 1773 ²⁴⁷

which stated there were:

‘Several Open Arable Fields, Meadow and Pasture Grounds, distinguished by the several Names of the North Field, South Field, Growth, Newforth, the Neat Marsh and Enholmes, the Hay Marsh, the New Field and the Town Livers consisting of 129 oxgangs or thereabouts and containing in the whole by estimation 4,500 acres’.

The award was carried out in 1777 ²⁴⁸ when the three commissioners divided a total area of 4,100a 0r 7p ²⁴⁹ with allotments to 85 individuals. The enclosure awards in the open fields, by manor and tenure are shown in Table 5:26.

Table 5:26 Preston open lands awarded to individuals, by tenure, in 1777.

Tenure	Area awarded		
	a	r	p
Freehold and leasehold	3,048	3	0
Copyhold			
(1) Manor of Burstwick - In Bondage	329	3	34
(2) Manor of Burstwick – Free	719	1	20
(3) Manor of Preston Rectory - Free	1	3	33
Total award	4,100	0	7

Source: Enrolled enclosure award dated 8 January 1777. RDB AX/92/4.

Of the c.178 acres of the Salt End of the Hay Marsh, which was left unenclosed, court book entries for enfranchisement between 1867 and 1925 indicate that 37a 0r 33p was copyhold. ²⁵⁰

This gave a total copyhold area in the township of Preston of 1,088a 2r 0p which represented a significant decrease from the quoted oxgang ‘acre equivalent’ of 2,240 acres. One major factor in causing this decrease was a series of enfranchisements which took place between 1774 and 1775, after the passing of the enclosure act but before the award was made in 1777. These amounted to nearly 597 acres, divided among just eight copyholders, only one of which was less than 31 acres viz. 1.5 acres and the largest was 157 acres. Therefore, it was the more substantial copyholders that sought enfranchisement prior to enclosure. ²⁵¹

An allowance for the commutation of tithe at enclosure adds an estimated 166 acres to the pre-enclosure copyhold area,²⁵² but this still leaves something like 400 acres of copyhold unaccounted for in the former open fields, as suggested by the oxgang equivalent.

Old enclosures

In the eighteenth century the old enclosures of Preston comprised of five isolated areas and the village garths.²⁵³ In the main they were freehold, but from the enclosure maps and awards, and the manor court books it has been possible to identify 80 copyhold plots in the village garths (out of 131) held of one or other of the Manors of Burstwick and Preston Rectory. These amounted to a total of 81a 2r 14p of which the largest was 4½ acres, and 49 of them were under one acre in size.

Lelley

Although separated geographically from Preston, the township of Lelley formed a part of the parish of Preston in the eighteenth century. Sharing boundaries with Burstwick, Elstronwick, Humbleton and Sproatley, Lelley had been a constituent part of Constable's Manor of Burstwick since 1560.²⁵⁴ The surviving open fields were subject to a parliamentary enclosure in 1769-70.²⁵⁵ The Act spoke of 22¾ oxgangs of land amounting by estimation to 800 acres, but this reduced to just 594 acres awarded to individuals by the five commissioners. The awards and tenures are shown in Table 5:27.

Table 5:27 Lelley open lands awarded to individuals by tenure in 1770.

Tenure	Area awarded		
	a	r	p
Freehold and leasehold	317	0	38
Copyhold, Manor of Burstwick			
(1) Copyhold Free	178	3	9
(2) Copyhold in Bondage	97	2	31
Total award	593	2	38

Source: Enrolled enclosure award dated 11 September 1770. RDB AK/213/19.

Some copyhold land in the township would have been lost due to commutation of the tithes by a land award, but the allotment given to the lord of the manor in lieu of his 'right of the soil' was minimal. ²⁵⁶

Old enclosures

The old enclosures consisted of two, separate blocks of village garths wedged between the North and South Fields, plus an area of meadow or pasture ground to the south and a small piece of detached land within the township of Elstronwick. ²⁵⁷ The fortunate survival of a full tenorial survey of the old enclosures of Lelley at the time of enclosure ²⁵⁸ indicates that out of a total area of 48a 1r 27p, just 9a 2r 22p and 1a 1r 25p respectively was copyhold free and copyhold in bondage of the Manor of Burstwick.

Roos

The parish of Roos, which shared a common boundary with Halsham and Rimswell of the Southern Division was made up of the township of Roos and the major portion of the township of Owstwick. In 1855, the township of Roos occupied 2,528 acres. ²⁵⁹ When enclosure came to Roos in 1786, ²⁶⁰ Sir Christopher Sykes was lord of the manor. The award spoke of 1,593a 2r 0p of open, arable fields, meadow and pasture grounds to be divided and allotted by the commissioners. In the event, 1,549a 2r 39p was allotted to individuals, a figure which included some exchanges involving the old enclosures. The tenorial division of the award is shown in Table 5:28. It can be seen that the copyhold portion of the Roos award amounted to 867a 1r 27p or 56.0%. The tithes were commuted by a land award amounting to 214 acres. ²⁶¹ By proportion, this award would have depressed the copyhold acreage of the parish by an estimated 120 acres.

Table 5:28 Enclosure award of Roos, by tenure, in 1786

Tenure	Area awarded		
	a	r	p
Freehold:			
Open fields	670	1	4
Old enclosures	12	0	8
Copyhold:			
Open fields	863	0	39
Old enclosures	4	0	28
Total award	1,549	2	39

Source: Enrolled enclosure award dated 18 April 1787. RDB BG/103/9.

Old enclosures

At enclosure, the old enclosures of Roos appeared as the usual ribbon of village garths, virtually separating the arable fields, East Field and West Field.²⁶² In addition a much larger, solid mass of closes occupying 794 acres lay to the south of the parish. These were entirely owned by the lord of the manor and were freehold.²⁶³ The village garths occupied a total of 73a 2r 11p, and from the usual sources²⁶⁴ it was possible to identify there twenty-three copyholders of the manor of Roos with a total area of 43a 0r 38p.

Sproatley

The parish of Sproatley was said to contain 1,372 acres in 1855.²⁶⁵ Not surprisingly, because of its proximity to Burton Constable, the Constables owned much of the land there and were successive lords of the manor dating back to the late sixteenth century. In manorial terms, Sproatley was a small part of the Manor of Burstwick and at the time of enclosure in 1763,²⁶⁶ William Constable was lord of the manor. In the preamble to the enclosure award,²⁶⁷ the commissioners spoke of Sproatley as showing the usual two-field system supported by meadow and pasture areas. The unenclosed grounds were described as, 'containing 119 oxgangs and some odd lands'. The tenures of these oxgangs were also recorded and are

reproduced in Table 5:29. In addition to the 119 oxgangs, Henry Witham owned some odd lands, all of which were freehold.

Table 5:29 Oxgangs held in the open fields of Sproatley, by tenure, prior to enclosure in 1763.

CF = Copyhold free; CIB = Copyhold in bondage

Proprietor	No. of oxgangs held		
	Freehold	CF.	CIB
William Constable	58½	--	--
George Groundrill (Glebe)	9	--	--
The Dealrys	13	--	--
Sir John Ingleby, as trustee for Ripley School	11	--	--
James Wilkinson	8	--	--
John Bell	7½	2½	--
Marmaduke Brown	4½	1	1
John Binnington	2½	½	--
Total oxgangs	114	4	1

Source: Enrolled enclosure award dated 17 May 1763. RDB AC/221/10.

From Table 5:29 it can be seen that all the copyhold land in the parish was held by three people, John Bell of Elstronwick, Marmaduke Brown the elder of Burstwick and John Binnington, a yeoman of Sproatley. When the commissioners made their award, John Bell's 2½ oxgangs, plus the value of six beastgates, translated into an allotment of 2a 1r 31p in the East Field, 32a, 1r 28p in the West Field and 11a 2r 31p in a stinted pasture ground called the Leas, a total allotment of 46a 2r 10p. Marmaduke Brown's copyhold free oxgang was converted into an allotment of 16a 1r 39p and his oxgang held in bondage produced a further allotment of 16a 1r 12p, both being in Sproatley's East Field. Finally, John Binnington's half oxgang of copyhold free land became an allotment of 7a 1r 28p, also in the East Field. Hence the total allotment of copyhold land amounted to 86a 3r 9p, which out of a total award of 1,236a 0r 17p allotted to individuals represented 7%. The tithes were replaced by a composition rent of £105 per annum and there was no award to the lord for his, 'right of the soil'.

Old enclosures

With the exception of a very small isolated pocket of land at the southern boundary of the parish, the village garths represented the sole area of old enclosures in 1763. Out of a total area of 72a 3r 37p,²⁶⁸ the court book of the Manor of Burstwick showed that only the messuages, cottages and garths held by John Bell were of copyhold tenure. His seven plots, all held copyhold free, amounted to a total area of 9a 1r 19p.²⁶⁹

Sutton-on-Hull

The parish of Sutton, said to contain 4,741 acres,²⁷⁰ was made up of about 4,180 acres of open fields and about 560 acres of old enclosures.²⁷¹ It would appear that the tenants of the Manor of Sutton consisted of only, 'Freeholders and Occupants from the fifteenth century.'²⁷² It is presumed here that the term 'occupants' referred to tenants farming under rack rent conditions, but on safer ground, Blashill was able to say, 'In the eighteenth century nothing of a practical nature was heard of copyholders...'²⁷³ Hence when the open fields were enclosed in 1768,²⁷⁴ all the allotments made were of freehold tenure. No copyholds have been traced in Sutton during the period under examination.

Swine

In 1856, Sheahan and Whellan described the parish of Swine as containing:

'The chapelries of Bilton and South Skirlaugh and the townships of Beningholme and Grange Coniston, Ellerby, Ganstead, Marton, Swine, Thirtleby, North Skirlaugh with Rowton, and Wyton and part of Arnold ... The area of the whole parish is 13,650 acres'.²⁷⁵

Benningholme, Bilton, Ellerby, Ganstead, Marton, the two Skirlaughs and Swine had all been enclosed at an early date, prior to the eighteenth century. The remaining open arable fields, meadows and pastures of Coniston, amounting to c.555 acres were enclosed in

1790.²⁷⁶ and c.69 acres of pasture land known as Wyton Holme were enclosed in 1763.²⁷⁷

All the land in the parish of Swine for the period under investigation was freehold.

Tunstall

The parish of Tunstall, bounded on the north by Hilston, the west by Roos and the south by Rimswell, shared a long eastern border with the North Sea. The parish land was constantly subject to erosion by the action of the sea against the cliffs. Sheahan and Whellan, writing in 1856 stated that, ‘upwards of 100 acres have been swallowed up within the last 60 years’.²⁷⁸

The Manor of Tunstall, which was said to be co-extensive with the parish,²⁷⁹ was said to occupy 1,346 acres in 1855.²⁸⁰ At the time of parliamentary enclosure, 1777-79,²⁸¹ John Grimston of Kilnwick was lord of the manor. The commissioners divided and allotted 910a 2r 29p to individuals, with the only copyhold awards being held either of Manor of Roos or the Manor of Burstwick. The tenorial split of the enclosure award for Tunstall is shown in Table 5:30.

Table 5:30 Tunstall open lands awarded to individuals at enclosure in 1779, by tenure.

Tenure	Area awarded		
	a	r	p
Freehold and leasehold	854	2	25
Manor of Roos – Copyhold in Bondage	49	0	24
Manor of Burstwick – Copyhold in Bondage	6	3	20
Total award	910	2	29

Source: Enrolled enclosure award dated 12 July 1779. RDB BB/134/17.

The total copyhold area awarded was 56a 0r 4p, or 6.1%. Examination of the Tunstall enclosure map²⁸² shows that seven out of nine allotments held of the Manor of Roos were situated in an area of common pasture ground called Monkwith, with their eastern

boundaries shared with the North Sea. This undoubtedly caused a reduction in the total copyhold acreage at Tunstall, and the tithe commutation of 138 acres ²⁸³ accounted for the loss of more copyhold acres. No allotments were made to 'landless cottagers' for loss of common rights, and the lord of the manor received one acre, 'as recompense and satisfaction for his consent to this Division and Enclosure'. ²⁸⁴

Old enclosures

The enclosure award spoke of the old enclosures as occupying a total area of 355a 2r 12p and the accompanying enclosure map marked out 79 individual plots. ²⁸⁵ As usual the surviving schedule for the old enclosures of Tunstall only provides a list of proprietors' names and the areas held for the 79 plots. A careful search through the relevant court books of the Manors of Burstwick and Roos failed to identify any of these plots as being of copyhold tenure.

Wawne ²⁸⁶

The parish of Wawne, which included the two townships of Wawne and Meaux, contained 5,438 acres in 1855. ²⁸⁷ In 1751, John Windham Bower, who owned the manor, made an agreement with William Constable to divide Wawne Common. The area of the common was said to be 400 acres and was entirely freehold. ²⁸⁸ By 1773, the whole of the lordship of Wawne had passed into the hands of John Windham Bower. ²⁸⁹ A call roll of his manor court for 9 April 1766 ²⁹⁰ listed only freeholders and tenants, the latter presumably being farmers paying rack rents. No evidence of any copyholders were found for Wawne in the period. In 1840, Poulson wrote of the manorial situation:

'There are two manors in Waghen, - one of the town, belonging to Joseph Smyth Windham Esq., the other is the manor of the rectory. The manor of Waghen is a court leet, and has latterly been held only at intervals; but manorial rights are exercised. The manor of the rectory is also a court leet, but no manorial rights are exercised, nor has a court been held within the last century'. ²⁹¹

Similarly, the township of Meaux was void of copyholders by the beginning of the eighteenth century.

MIDDLE HOLDERNESS ANALYSIS

Open Fields

Table 5:31 Copyhold acreages in the parishes and townships of the Middle Division as identified from the enclosure awards 1735-1813.

Areas have been rounded up or down to the nearest acre

Parish/Township	Encl. award	Total area awarded Acres	Freehold awarded Acres	Copyhold awarded Acres	% Copyhold of the total
Aldbrough	1766	1,793	1,756	37	2.1
East Newton	1772	486	486	0	0
Burton Pidsea	1762	1,994	784	1,210	60.6
Summergangs	1748	658	658	0	0
Southcoates	1757	323	323	0	0
Danthorpe	1735	516	516	0	0
Flinton	1751	605	605	0	0
Elstronwick	1813	892	330	562	63.0
Marfleet	1764	964	964	0	0
Preston	1777	4,100	3,049	1,052	25.6
Lelley	1770	594	317	277	46.6
Roos	1784	1,550	682	868	56.0
Sproatley	1763	1,236	1,149	87	7.0
Sutton-on-Hull	1768	4,180	4,180	0	0
Coniston (Swine)	1790	555	555	0	0
Wyton Holme	1763	69	69	0	0
Tunstall	1779	911	855	56	6.1
Totals		21,426	17,278	4,149	19.4

To these totals the freehold and copyhold portions of the unenclosed area known as the Salt End of the Hay Marsh in the parish of Preston should be added. This brings the final figures to :

	Total area Acres	Freehold Acres	Copyhold Acres	% Copyhold of the total
Salt End	178	141	37	20.8
Totals	21,604	17,419	4,186	19.4

Old Enclosures

Table 5:32 Copyhold acreages in the old enclosures of the parishes and townships of the Middle Division as identified in the period 1750-1813.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Total area of old enclosures Acres	Copyhold area Acres	% Copyhold of the total
Aldbrough	84	1	1.2
Bewick, Carlton, Etherdwick, Fosham and Tansterne	3,042	15	0.5
East Newton	144	0	0
West Newton	778	0	0
Burton Pidsea	209	120	57.4
Drypool	231	0	0
Southcoates	1,087	0	0
Humbleton	1,477	0	0
Danthorpe	736	0	0
Fitling	1,504	0	0
Flinton	1,398	0	0
Elstronwick	186	40	21.5
Garton/Grimston	1,797	0	0
Hedon	321	0	0
Hilston	553	0	0
Marfleet	321	0	0
Owstwick	1,337	3	0.2
Preston	912	82	9.0
Lelley	48	11	22.9
Roos	868	43	5.0
Sproatley	73	9	12.3
Sutton-on-Hull	560	0	0
Swine, including Bilton, North and South Skirlaugh, Benningholme, Coniston, Burton Constable, Ellerby, Ganstead, Marton, Thirtleby, Rowton and Wyton	13,026	0	0
Tunstall	356	0	0
Wawne and Meaux	3,982	0	0
Totals	35,030	324	0.9

Table 5:33 A consolidation of Tables 5:31 and 5:32 to show the total copyhold acreage identified in the Middle Division of Holderness, in the period 1735-1813.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Total parish area c.1855 Acres	Total area of Copyholds Acres	% Copyholds of the total area
Aldbrough, including Bewick, Carlton, Etherdwick, Fosham, Tanstern and West Newton	5,697	53	0.9
East Newton	630	0	0
Burton Pidsea	2,203	1,330	60.3
Drypool, including Southcoates and Summergangs	2,299	0	0
Humbleton, including Danthorpe, Fitling and Flinton	6,236	0	0
Elstronwick	1,078	602	55.8
Garton and Grimston	1,797	0	0
Hedon	321	0	0
Hilston	553	0	0
Marfleet	1,285	0	0
Owstwick	1,337	3	0.2
Preston including Salt End	5,190	1,171	22.6
Lelley	642	288	44.8
Roos	2,418	911	37.7
Sproatley	1,309	96	7.3
Sutton-on-Hull	4,740	0	0
Swine, including North and South Skirlaugh, Benningholme, Coniston, Ellerby, Ganstead, Burton Constable, Marton, Thirtleby, Rowton and Wyton	13,650	0	0
Tunstall	1,267	56	0
<u>Wawne and Meaux</u>	<u>3,982</u>	<u>0</u>	<u>0</u>
Totals	56,634	4,510	8.0

N.B. Sheahan and Whellan stated ²⁹² that the township of Wawne had been enclosed in 1804 when, 'the tithes were commuted for a fixed rent on the *old* and an allotment of 306 acres of the *new* enclosures'. This enclosure has not been traced, neither does it appear in Neave, English or the *Domesday of Enclosures* by Tate and Turner. ²⁹³

Not surprisingly, the pattern of copyholds in the open fields of the Middle Division greatly resembled those of the Southern Division. A patchwork of tenures again applied whereby parishes with a high proportion of copyholds such as Burton Pidsea, Preston and Roos lay adjacent to parishes containing only freehold and leasehold tenures.

A marked difference between the two divisions did appear in respect of the old enclosures. To a large extent, the parishes and townships of the Middle Division had been enclosed at an earlier period. Seventeenth century enclosures had taken place in the parishes of Aldbrough, Drypool, Humbleton, Garton, and Swine, and this occurrence appeared to be concurrent where manorial control, exercised by holding regular courts and the insistence on tenants performing their customary suits and services, was at its weakest, or had become unnecessary through early enfranchisement. Large areas such as the parish of Swine with 13,650 acres and much of the parish of Humbleton involving 6,236 acres were all entirely freehold by 1750, and even allowing for the village garths of the townships of Burton Pidsea, Preston and Roos being largely made up of copyhold tenements, the total extent of copyholds in the old enclosures of the Middle Division was less than one per cent.

Some copyholds may have been lost due to erosion at the coastline, but this was not as evident as in the Southern Division with only Tunstall, and possibly Aldbrough, victims of this phenomenon. Pre-enclosure enfranchisement also had a small impact, involving only Preston, as those of Burton Pidsea, Lelley and Sproatley took place in the period 1777 to 1789, some years subsequent to the enclosure of their open fields.

Where copyholders were present in appreciable numbers in the Middle Division, there was again similarity between the two divisions in terms of manorial customs and services. This is understandable since Burton Pidsea, Elstronwick, Lelley, Preston and Sproatley were all constituent members of Constable's Manor of Burstwick. The only other manors which maintained active and regular courts for their copyhold tenants were those of Sykes's Manor of Roos and Philip Blundell's Manor of Elstronwick.

NORTH DIVISION

Atwick

The parish of Atwick, said to contain 2,297 acres in 1855, was made up of the township of Atwick with 1,430 acres, and the two hamlets of Arram with 539 acres and Skirlington occupying 328 acres. ²⁹⁴ Situated with its eastern boundary shared with the North Sea, Atwick suffered the usual Holderness problem of severe coastal erosion. In 1527, the College of St. John the Evangelist, Cambridge, purchased a one-third portion of the manor and 229 acres of land. ²⁹⁵ When enclosure came in 1772, the College, represented by their lessees received the largest award of land totalling 238 acres. ²⁹⁶ In all, the commissioners allotted 1,405a 1r 27p of arable, meadow, pasture and moor land to individuals, all of which was either freehold or leasehold. No copyholds have been traced in the parish of Atwick for the period under examination.

Barmston

The parish of Barmston occupied the most northerly part of the Wapentake of Holderness, its northern boundary making a separation from Dickering Wapentake by means of a narrow stream known as Earl's Dyke. The parish was said to contain 2,300 acres in 1856. ²⁹⁷ Possession of the Manor of Barmston and much land there had been held by the Boynton family since 1497. ²⁹⁸ Partial enclosure came to Barmston in 1757 when Articles of Agreement were drawn up between Sir Griffith Boynton and Rev. Thomas Dade, rector of Barmston, to divide two arable fields and some pasture land, said to occupy 25½ oxgangs. ²⁹⁹ At the award, which followed in 1758, the baronet's share amounted to 173a 0r 24p and the rector received 18a 2r 29p. A second enclosure in 1820 ³⁰⁰ involved the remaining open South Field, a pasture known as Hastem Hills and a small amount of waste land, the whole totalling 236a 2r 11p. At the award, Sir Francis Boynton received 229a 2r 11p and the Rev. John Gilby the remaining seven acres. The enrolled award informed that,

'the ancient enclosed lands within Winton and Barmston contained 2,138a 2r 31p'. By 1820, all the land in the parish was held either by the lord of the manor, or the rector, and was of freehold tenure. No copyholds have been traced in Barmston for the period under investigation.

Beeford

The parish of Beeford, said to contain 5,747 acres in 1855, was made up of the townships of Beeford occupying 3,753 acres, Dunnington with 844 acres and the Chapelry of Lissett of area 1,150 acres.³⁰¹ Prior to enclosure, the open fields of Beeford township appeared in the usual form of two large arable fields separated by a ribbon of village garths. An area of open meadow ground called Brammar lay adjacent to the South Field and there were also three areas of open pasture ground. The most southerly of these, called Beeford Moor, was shared by a number of cottagers living in North Frodingham. The Beeford Enclosure Act of 1766³⁰² stated:

'Owners and occupiers of certain cottages and tenements within the township of North Frodingham have enjoyed Right of Common upon a parcel of ground in Beeford Moor, jointly with the owners and occupiers of Beeford'.

As a consequence, when the enclosure commissioners made their award in 1768,³⁰³ they reserved an area of 186a 0r 20p in Beeford Moor for the North Frodingham owners and occupiers. The enclosure act spoke of open land at Beeford as containing '3,000 acres and upwards', but in the event the commissioners awarded 3,396a 2r 8p to individuals or institutions, excluding the award to the cottagers of North Frodingham.

The manorial situation was somewhat complex. At enclosure, Thomas Acklom, a minor, was lord of the Manor of Beeford, but from the enclosure award it is apparent that no copyhold land was held of that manor. Copyhold land was present in Beeford, held of

Bethell's Manor of North Frodingham. In addition, a customary tenure, unique in this parish for Holderness, existed where a number of tenements in Beeford were said to be held, 'Priesthold'. From Poulson's description, 'Priesthold' was equivalent to a rectory manor, where the rector received annual rents for, 'twelve cottages lying in the town...', with, 'a year's rent as a fine on the change of occupier or rector'.³⁰⁴ This payment made on the change of rector was not echoed in any other Holderness parish (though see the reference to Dunnington below) and was similar to the custom of tenant right which was prevalent in Westmorland and Cumberland.³⁰⁵ At enclosure in 1768, ten 'Priestholders' owning the 12 cottages, each received allotments in the open fields from the commissioners. The 'standard' allotment per cottage was 1a 2r 36p, as shown in Table 5:34.

Table 5:34 Allotments awarded in the open fields of Beeford to Priesthold cottagers, in lieu of loss of common rights, 1768.

NF = North Field; SF = South Field.

No. of Cottages	Award			Location	Cottage owner	Occupation
	a	r	p			
2	3	3	10	NF	William Aubrough	gent.
2	4	0	25	NF	Marm. Prickett	gent.
1	1	2	36	NF	John Langton	yeoman
1	2	0	32	Enholmes	Thomas Clubley	yeoman
1	1	2	36	NF	John Dixon	yeoman
1	1	2	36	SF	Matthew Bolton	yeoman
1	1	2	36	NF	William Ruddock	carpenter
1	1	2	36	NF	Thomas Kirk	miller
1	1	2	36	NF	Henry Pool	yeoman
1	2	1	37	Moor	Richard Dunn	yeoman

Total 12 cottages; Total land awarded: 23a 0r 0p.

Source: Enrolled enclosure award dated 11 June 1768. RDB AK/57/16.

From Table 5:34 it may be deduced that the less valuable pasture land in the Enholmes and the Moor merited a larger allotment than that given in the arable fields. The full list of

awards to individuals and the corresponding tenures is shown in Table 5:35, from which it can be seen that the copyhold and customary tenure portion of the total award amounted to 175a 1r 31p, or 5.2%.

Table 5:35. Beeford open lands awarded individuals by tenure 1768.

Tenure	Area awarded		
	a	r	p
Freehold	3,221	0	17
(1) Copyhold: Manor of North Frodingham	152	1	31
(2) Priesthold	23	0	0
Total award	3,396	2	8

Source: Enrolled enclosure award dated 11 June 1768, RDB AK/57/16.

The Enclosure Act ³⁰⁶ specified that the tithes, owned by the rector, were to be commuted partly by an allotment of land and partly by an annual rent. The subsequent allotments to the rector totalling 191a 1r 30p would, therefore, have reduced the overall copyhold acreage in the township.

Old enclosures

The old enclosures of Beeford consisted of a line of village garths, running in an east-westerly direction, separating the North and South Fields of tillage. In addition to the village garths, a square-shaped piece of old enclosure, known as Moor Grange of freehold tenure, existed at the south-eastern corner of the parish. The total area of old enclosures in the township of Beeford amounted to c.356 acres.

The enclosure plan of Beeford ³⁰⁷ showed the village garths as containing 90 separate plots with approximately 62 messuages or tenements. Unfortunately no schedule or survey of the village garths have been found by the writer. As with the open fields, no copyholds of the Manor of Beeford have been traced within the old enclosures of Beeford and the

surviving court book of the manor, ³⁰⁸ covering the period 1762 to 1779, only speaks of the admittance of freeholders and 'tenants'. The prevailing custom of the Manor of Beeford was for tenants to hold their estates for life, or lives, but there are no references to copyholds in the court book. ³⁰⁹

Copyholds held of the Manor of North Frodingham were present in the old enclosures of Beeford. Two available sources give a rather conflicting picture of the extent of these copyholds. Identified in the court books of the Manor of North Frodingham ³¹⁰ in the period 1759 to 1804 were the following: 4 messuages with closes adjoining; 6 closes of meadow or pasture ground; 4 houses, or cottages; with croft or garth adjoining. In this list only one close had its area quoted in the court entries viz. 1a 2r 0p. The second source, ³¹¹ being a list of property held copyhold of the Manor of North Frodingham, was written later in 1865. This list contained the following descriptions: 4 tenements with a wheelwright's shop; 11 tenements with gardens; 3 tenements, including a shop and one rood of land; a messuage with barn and stables; a messuage with garden; a cottage and croft; 3 cottages and a piece of land. In total there were '24 tenements'.

Amalgamating the two sources and applying the same area estimates as used with the old enclosures of Easington in the South Division, (see note 36 to this chapter,) we obtain an estimated total area of copyholds in the old enclosures of Beeford of 29 acres.

Lissett and Dunnington

The chapelry of Lissett is joined to the township of Beeford at its south-western corner, and is directly north of Dunnington. In 1771, Jonathan Midgely, the Beverley attorney-at-law purchased the manor and an estate at Lissett from Hugh Bethell of Rise. ³¹² The enclosure of the open fields which followed in 1772, ³¹³ was a simple division of land between Midgely with 877a 0r 37p; the Rev. Samuel Dennis, rector, with 134a 1r 19p and Richard

Holder, a Lissett carpenter with 4 acres. All 1,015a 2r 16p of land enclosed was of freehold tenure, and no copyholds have been traced for Lissett.

Dunnington was enclosed in early times and a lack of documentary evidence makes it impossible to make a proper evaluation of the tenures within the township. Poulson, however, stated that:

‘The same custom of Priesthold exists here as well as in Beeford. The rector has a house and two small garths, the rent of which is £1. per annum, subject to the same fine’.³¹⁴

A conservative estimate of one acre is allowed for this customary tenure in the final analysis.

Brandesburton

The parish of Brandesburton, which contained 5,184 acres in 1855, was made up of Brandesburton township with 4,672 acres and Moor Town with 512 acres.³¹⁵ In 1595 Anne, Lady Dacre, devised the Manor of Brandesburton and a large family estate there to the Lord Mayor and Aldermen of London as Trustees for the Corporation of the Poor of Emanuel Hospital at Westminster. When the open arable fields of the township were enclosed in 1635, George Lord Goring received an allotment of 1,714 acres, as lessee of the Hospital.³¹⁶ A map of Brandesburton drawn in 1732³¹⁷ included a short schedule which stated that, ‘The whole quantity of inclosed ground is 2,015a 1r 26p’, but by 1743 the Hospital’s enclosed estate at Brandesburton had risen to 3,634 acres.³¹⁸

A surviving call roll for a court of the Manor of Brandesburton, dated Easter 1753, recorded the names of 12 freeholders and 72 customary tenants of the townships of Brandesburton and Moor Town.³¹⁹ In subsequent call rolls, the lists name the same individuals but the qualifying term, ‘customary’ is dropped and they are simply referred to

as 'tenants'. Unfortunately, due to the unknown whereabouts of the manor's court rolls, the investigation could not be taken further.

Enclosure of the remaining scattered pockets of open moor, waste, meadow and pasture grounds in the parish came relatively late following an act of parliament passed in 1844.³²⁰ This act, which followed closely on the Copyhold Act of 1841, not only included the usual clause whereby the tenures of allotments were to be maintained,³²¹ but also added a separate clause giving power to eliminate copyholds, either by granting additional land to the lord, or by the tenant buying out the manorial incidents.³²² In this last case, the enclosure commissioner was to act as a banker, receiving payment from the tenant and then passing the money over to the lord. All enfranchisements were to be specified in the award and entered on the court rolls.

The award took place in 1847,³²³ when a single commissioner divided and allotted a total area of 1,342 acres to thirty individuals or institutions. No copyholds were mentioned in the award and all land allotted was freehold.

Old enclosures

The enrolled enclosure award included, 'A Schedule of all Homesteads, Gardens, Orchards and Ancient Enclosures in the parish of Brandesburton'. The long list included 602 closes or tenements with a total area of 3,780a 1r 3p, all of which was freehold tenure.

Catwick

In 1855 the parish of Catwick was said to contain 1,570 acres.³²⁴ Catwick had the distinction of being the first place in the East Riding of Yorkshire to be enclosed by an act of parliament. Passed in 1731,³²⁵ the act described the commonable land as being:

'... two large open Corn-fields and two large open pastures, the one called by the name Holds Pasture, the other by the name Mill

Pasture; the said open corn-fields and pastures consisting of 88 oxgangs and certain Forby or odd Lands and Meadows which are Freehold of Inheritance of the several persons mentioned viz....'

The award took place in 1732 when 1,417 acres were divided and allotted to the sixteen proprietors.³²⁶ As stated in the act, all the land allotted was freehold and no copyholds have been traced in Catwick for the period under examination.

North Frodingham

The landlocked parish of North Frodingham was bounded by the Holderness townships of Beeford to the east; Hempholme, Brandesburton and Moor Town to the south, and by Dickering Wapentake on the northern and western sides. The parish, which was said to contain 3,147 acres in 1855,³²⁷ had been a Bethell stronghold since Robert Bethell, a Hull merchant, purchased the manor and an estate there in 1674.³²⁸

The enclosure of the arable fields, meadows, pasture moor and waste lands was brought about by an act of parliament passed in 1801.³²⁹ The Enclosure Act stated in its preamble that the whole of the open, 'unenclosed lands contained about 2,500 acres', a figure which was further refined down to 2,450 acres by the enclosure commissioners.

The manorial situation in North Frodingham was straight-forward in that only the Manor of North Frodingham held copyhold land in the parish. The three enclosure commissioners made their award in 1808,³³⁰ dividing up 2,270a 3r 0p between 55 parties. The areas awarded and their tenures are shown in Table 5:36, from which it can be seen that the copyhold content of the award amounted to 69.4%. Philip Saltmarsh, the lay rector impropiator and the Rev. John Atkinson, vicar, together received a total of 455 acres of freehold land in lieu of tithes. Mrs Charlotta Bethell, lady of the manor, for her right of the soil of the moor and waste land, plus her entitlement to the hay from the Balks in the North Field and Little Field, and her two 'lake' hens from each owner on 55 oxgangs of arable

land received 57a 2r 0p.³³¹ These allotments would all have had the effect of reducing the overall copyhold acreage within the parish.

Table 5:36. North Frodingham open lands awarded to parties, by tenure 1808.

Tenure	Area awarded		
	a	r	p
Freehold	694	0	13
Copyhold of the Manor of North Frodingham	1,576	3	20
Total award	2,270	3	33

Source: Enrolled enclosure award dated 15 February 1808. RDB CI/273/20.

The Manor of North Frodingham also held copyhold land in the Holderness townships of Beeford, Dringhoe, Seaton and Ulrome. These holdings are dealt with in the respective townships.

Old enclosures

The old enclosures of the parish of North Frodingham amounted to about 870 acres. Rather unusually, the enclosure commissioners included in their award, the division of an area of 'ancient enclosed copyhold or customary land' known as Turf Carr.³³² Three parties each received 11 acres, said to be equivalent to one-third of the carr. To this 33 acres of copyhold land, a further 36a 1r 32p³³³ must be added to give a total copyhold portion of 69a 1r 32p for the old enclosures of North Frodingham.

Goxhill

The parish of Goxhill, which Sheahan and Whellan stated was co-extensive with the manor, contained 838 acres in 1855.³³⁴ The parish was enclosed before 1685 and was largely in the ownership of the Constables of Wassand. The Rev. Charles Constable had 792 acres there c. 1840³³⁵ and all the land was of freehold tenure. No copyholds have been traced for Goxhill in the period under examination.

Hornsea

The parish of Hornsea, which included Hornsea Burton, was said to contain 3,332 acres in 1855.³³⁶ Like North Frodingham, Hornsea was another Bethell stronghold, the manor and an estate there having been purchased by Hugh Bethell in 1743,³³⁷ Hornsea Burton had been enclosed c.1664,³³⁸ but the township of Hornsea did not follow suit until 1809. The three enclosure commissioners made their award in 1809.³³⁹ when they divided and allotted a total of 2,190a 3r 2p to 53 individuals, but this total figure included 59a 3r 12p of old enclosures. The areas awarded from the open lands and their tenures are shown in Table 5:37, from which it can be seen that the copyhold portion of the award amounted to 68.5%. Philip Blundell the lay rectorial impropiator, and the Rev. Robert Croft, vicar of Hornsea, received a total of 393 acres in lieu of tithes, whilst Mrs Charlotta Bethell, lady of the manor, received 1a 2r 0p, an award of equivalent in value to 1/18th part of the common and waste land, in lieu of her 'right of the soil'.

Table 5:37. Hornsea open lands awarded to individuals by tenure in 1809.

Tenure	Area awarded		
	a	r	p
Freehold	671	2	12
Copyhold – Manor of Hornsea	1,459	1	18
Total award	2,130	3	30

Source: Enrolled enclosure award dated 19 April 1809. RDB CI/345/27.

Old enclosures

In 1809 the old enclosures of Hornsea parish were mainly situated in a solid block at the south-eastern corner of the parish. This area, known as Hornsea Burton which occupied 409 acres,³⁴⁰ and which consisted of relatively small closes of meadow or pasture land, was enclosed c.1664.³⁴¹ By 1750 most of the arable land of Hornsea Burton was freehold

but a court book of the Manor of Hornsea registers three compensation agreements made between 1927 and 1935 involving a total of 92a 0r 16p of former copyhold land.³⁴² Of these agreements, the last one involving eleven pieces of land, 'within the parish of Hornsea Burton', accounted for almost 80 acres, held by Arthur Bird, a Hornsea farmer.

In addition to Hornsea Burton, the old enclosures of the parish included the village garths and a number of isolated pockets of arable, meadow or pasture land. Of the latter, three were found to contain some copyhold portions viz. Northorpe hamlet with 12 acres; Kirkholme with 5a 0r 20p and the Lund with 18a 3r 36p. No schedule has been found for the village garths, but from a careful piecing together of the evidence from the enclosure maps³⁴³ and the manor court books,³⁴⁴ it is possible to identify a total copyhold area there of 98a 1r 31p, with a plot size variation from 4 perches to 6¾ acres. In summation, therefore, 226a 2r 23p of copyholds were identified in the old enclosures of Hornsea.

It should be mentioned that the Hornsea parish with its long eastern boundary shared with the North Sea, suffered badly from coastal erosion losing both old enclosure land and from the former open fields. Such a loss of land would inevitably have reduced the copyhold content of the parish over a long period of time.

Leven

The parish of Leven, said to occupy 5,061 acres in 1855, included the township of Leven with 3,709 acres and the detached township of Hempholme with its hamlets of Hayholme and Hallitreeholme, occupying 1,352 acres.³⁴⁵ In medieval times, all these named places were manors, but by 1750 only two manors remained active in the parish. The larger of the two, Leven Manor, with its demesne lands had been purchased by Hugh Bethell in 1742,³⁴⁶ The second surviving manor was the Manor of Leven Rectory, which consisted of a small number of cottages and garths within the old enclosures of the township of Leven. The

Leven Enclosure Act was passed in 1791,³⁴⁷ but before the award was made in 1796,³⁴⁸

two substantial copyholders, Peter Acklom and Christopher Keld, enfranchised their holdings in the South Field and the Common Carr. These enfranchisements are listed in Table: 5:38.

Table 5:38. Leven open field lands enfranchised on 20 March 1793, prior to the enclosure award.

Copyholder	Location	Area enfranchised			Compensation to the lord.
		a	r	p	
Peter Nevill	Carr	18	3	28	£300
Peter Nevill	South Field	38	3	4	
Peter Nevill	South Field	13	0	8	
Christopher Keld	Carr	2	0	0	£71: 8s: 0d
Christopher Keld	South Field	8	3	0	

Total area enfranchised: 81a 2r 0p.

Sources: Copy of the Leven enclosure map by R. Atkinson, surveyor, 1792. ERRAS, IA; Leven Manor court book, Vol. 'C', 1782-1802, HUL, DSJ/51.

In 1796, the commissioners divided and allotted a total of 1,495a 0r 7p between 40 individuals. The division by tenure was simply 602a 3r 28p as freehold and 892a 0r 19p as copyhold of the Manor of Leven. Within this freehold portion, the rector's award of 286 acres, given in lieu of tithes, would have reduced the copyhold acreage in the former open fields by about 170 acres. Hugh Bethell, lord of the manor, received 3a 2r 36p for his 'right of the soil'.

Old enclosures

The township of Hempholme with its hamlets of Hayholme and Hallitreeholme, had been enclosed before the beginning of the eighteenth century³⁴⁹ and by 1750, all the land there was freehold. The remaining copyholds of the old enclosures of the parish were concentrated in the village garths of Leven townships. Once again no schedule for the village garths has come to light, but by using the available sources: the enclosure award,³⁵⁰

enclosure map;³⁵¹ and court entries of the Manors of Leven and Leven Rectory;³⁵² 54 of the 62 plots have been identified as copyhold amounting to 43a 0r 20p.

Long Riston

The parish of Long Riston, which included the township of Long Riston and part of the township of Arnold, was said to contain 3,490 acres in 1856.³⁵³ The Manor of Long Riston and an extensive estate there was purchased by Hugh Bethell in 1712. Enclosure came to the parish in 1778, following an act of parliament passed in 1771.³⁵⁴ A total of 3,138 acres of open arable, common and carr grounds were divided and allotted by the three commissioners, all of which was held freehold in tenure.³⁵⁵ No copyholds have been traced in the parish of Long Riston for the period under examination.

Mappleton

Mappleton parish, said to occupy 4,279 acres in 1856,³⁵⁶ was comprised of Mappleton township, the hamlets of Rowlston and Great Cowden and part of the township of Great Hatfield. Great Hatfield appears to have been enclosed in very early times but the remaining open lands of Great Cowden were enclosed in 1772 following an act of parliament passed in 1770.³⁵⁷ At the award, 957 acres were divided and allotted by the commissioners all of which was freehold in tenure.³⁵⁸ The surviving open fields of Mappleton were enclosed in 1849 under the provision of the General Enclosure Act of 1845.³⁵⁹ At that time, 1,102 acres of freehold and leasehold land were divided up between the lord of the manor (who was also lessee of the Archbishop of York's glebe lands) and four other owners. Rowlston's enclosure was initiated by an act of parliament passed in 1836,³⁶⁰ but it was not until 1860 that the award was finally carried out. At that time the commissioners allotted a total of 698 acres to five individuals, all of which was freehold.

No copyholds were traced in any of the old enclosures of the parish which, therefore, was void of any such tenure in the period under examination.

Nunkeeling

The parish of Nunkeeling, which included the hamlet of Bewholme, was said to occupy 2,315 acres in 1855.³⁶¹ Nunkeeling appears to have been enclosed in very early times,³⁶² but the open arable fields and pasture land of Bewholme were enclosed in 1740, following an act of parliament passed in the same year.³⁶³ The award listed a total of 1,042 acres³⁶⁴ allotted to, 'every freeholder and owner in the East Field, West Field and New Pasture'. No copyholders have been traced in the parish of Nunkeeling for the period under examination.

Rise

The lordship of Rise was granted to Sir Hugh Bethell at the Restoration of Charles II. When Rise was enclosed, c. 1664,³⁶⁵ 'practically all the township belonged to Sir Hugh', and virtually the whole of the civil parish has remained in the ownership of the Bethell family into modern times.³⁶⁶ Surveyed at 2,034 acres in 1855,³⁶⁷ no copyholds have been found within the parish for the period under examination.

Routh

The parish of Routh, said to contain 2,385 acres in 1855,³⁶⁸ was enclosed c.1685.³⁶⁹ No copyholds have been found in Routh for the period under examination.

Sigglesthorpe

The parish of Sigglesthorpe was said to occupy 5,807 acres in 1855.³⁷⁰ Within the parish were the townships of Sigglesthorpe, Catfoss, part of Great Hatfield, Little Hatfield and Seaton with Wassand.³⁷¹ The townships of Great Hatfield and Seaton with Wassand were

enclosed in the pre-parliamentary enclosure period.³⁷² Little Hatfield's enclosure of 1717 is well-documented,³⁷³ but that of Catfoss township, c.1730, has no supporting primary source evidence.³⁷⁴ Sigglesthorpe's enclosure, followed half-a-century later with the normal path of an act of parliament passed in 1772, completed by the award in 1781.³⁷⁵ No copyholds have been traced for the townships of Catfoss, Little Hatfield, Great Hatfield and Wassand. In the Sigglesthorpe award, where the commissioners divided and allotted a total area of 894a 1r 26p to individuals, a single allotment of 2 roods in the South Field awarded to the Rev. Thomas Constable, rector, represented the only copyhold in the award, being held in this case, of the Manor of Sigglesthorpe.

The search was more fruitful in Seaton where there existed a number of closes of meadow or pasture ground, held of the Manor of North Frodingham. An indenture of enfranchisement dated 1 June 1866,³⁷⁶ recorded in the manor court book, reveals the details and acreages involved in the enfranchisement of twelve separate closes. Only one messuage known as Seaton Grange and a close known as Shields Close did not have the area included, but with a conservative estimate of 2 acres for each of these, the total area of copyholds held of the Manor of North Frodingham, in Seaton, amounted to 67a 3r 1p.

Skipsea

In 1855 the parish of Skipsea consisted of the townships of Skipsea with 1,593 acres, Bonwick with 774 acres and Dringhoe, Upton and Skipsea Brough with 1,705 acres.³⁷⁷ In the mid-eighteenth century some vestiges of the village of Cleeton also existed at the eastern boundary of the parish, bordering on the North Sea, but in 1856 Sheahan and Whellan remarked that Cleeton, 'has scarcely an existence'.³⁷⁸ Nevertheless, in spite of the disappearance of the village, the Manor of Cleeton continued to hold appreciable amounts of copyhold land within the township of Skipsea. The Manor of Cleeton, together

with the Manor of Skipsea, fell into the hands of the Constables of Burton Constable in 1628,³⁷⁹ and remained their most northerly manors in Holderness. The Bethells were successive lords of the Manor of Dringhoe, but the manorial situation in Dringhoe was extended by the presence of two oxgangs of land being held of the Manor of North Frodingham.

Enclosure came to Bonwick at an early date,³⁸⁰ but the other townships of the parish followed the standard parliamentary route in the second half of the eighteenth century. The Dringhoe, Upton and Skipsea Brough Enclosure Act came first in 1762.³⁸¹ In the following year, the commissioners awarded³⁸² a total of 1,483a 2r 34p to individuals. Out of this total, 57a 2r 30p were copyhold of the Manors of North Frodingham and Skipsea. Perversely, no copyhold land was held of Bethell's Manor of Dringhoe. The tenurial split is shown in Table 5:39.

Table 5:39. Open lands at Dringhoe, Upton and Skipsea Brough, awarded to individuals on enclosure, by tenure, in 1763.

Tenure	Area awarded		
	a	r	p
Freehold and leasehold	1,426	0	4
Copyhold:			
(1) Manor of North Frodingham	39	3	6
(2) Manor of Skipsea	17	3	24
Total award	1,483	2	34

Source: Enrolled enclosure award dated 6 April 1763. RDB AC/178/9.

The tithes were commuted partly by an annual rent and partly by an award of land. The award of nearly 92 acres to the lessees of the Archbishop of York, in part lieu of tithes would have had some small effect on the total copyhold acreage, but this would have been more than compensated by the awarding of a total of 20a 1r 24p to copyhold cottagers who had lost their common rights. In fact all the c.18 acres awarded of the Manor of Skipsea referred to 14 single cottage rights, and the award of 2½ acres to Thomas Acklom for his

two cottage rights held of the Manor of North Frodingham.³⁸³ Neither Hugh Bethell, lord of the Manors of Dringhoe and North Frodingham, nor William Constable, lord of the Manor of Skipsea, appear to have received any award for their 'right of the soil'.

The enclosure award for Skipsea followed closely upon the heels of its neighbour at Dringhoe. An act of parliament passed in 1764³⁸⁴ was soon followed by the award in 1765.³⁸⁵ Two manors were involved, the Manor of Cleeton and the Manor of Skipsea with William Constable, lord of both manors at the time of enclosure. In the usual Constable manner, both forms of copyhold, free and in bondage existed within the township. The tenurial split within the township is shown in Table 5:40.

Table 5:40. Skipsea open land awarded at enclosure, by tenure in 1765.

Tenure	Area awarded		
	a	r	p
Freehold and leasehold	209	3	39
Copyhold:			
(1) Manor of Cleeton, copyhold free	768	3	11
(2) Manor of Skipsea, copyhold in bondage	611	3	1
Total award	1,590	2	11

Source: Enrolled enclosure award dated 18 March 1766. RDB AF/180/9.

The overall copyhold award was, therefore, 1,380a 2r 12p or 86.8% of the total. Some 90 acres were awarded to the Archbishop's lessees in part lieu of tithes and this would have depressed the copyhold acreage by about 78 acres. The award does not specifically mention any land given in lieu of lost cottage rights and William Constable's only allotment was 2 acres in the North Field, presumably in lieu of his 'right of the soil'.³⁸⁶

Old enclosures

The enclosure map of Dringhoe, drawn in 1762,³⁸⁷ shows the old enclosures of Dringhoe, Upton and Skipsea Brough together with the owners' names and the area of each plot. This information allows a calculation to be made of the total area of old enclosures which

computes to 156a 3r 15p. By linking the copyhold cottage owners awarded land in the open fields in lieu of common rights listed in the enclosure award,³⁶⁸ with the areas of their village garths marked on the enclosure map, it was possible to establish a total area of 10a 0r 37p of copyhold land in the old enclosures of Dringhoe, Upton and Skipsea Brough.

A fortunate survival of a schedule of the old enclosures of the township of Skipsea, made in 1764, reveals 37 individual plots with a total area of 40a 1r 10p.³⁸⁹ This schedule does not include tenures, but by the usual search for messuages, cottages, garths and closes in the court books of the Manors of Cleeton and Skipsea, a figure of 20a 2r 24p was obtained for the copyhold portion of the old enclosure of Skipsea townships.³⁹⁰ A map showing the random location of copyholds amongst the freehold properties within the village of Skipsea appears in figure 28.

Tickton, Weel and Eske

Geographically, and to a certain extent, manorially speaking, these three townships formed an adjoining area at the south-western extremity of the Northern Division of Holderness, sharing a common boundary on their western sides with the river Hull. In medieval times Tickton, Weel and Eske were all part of the parish of St. John's of Beverley, the land being held by the canons of the Collegiate Church of St. John's, under the auspices of the Archbishop of York.³⁹¹ Two manors, known as the Manor of Beverley Water Towns and the Manor of Beverley Chapter, both belonged to the canons until the Reformation. By 1775 the first named manor was in the hands of Charles Anderson Pelham,³⁹² whilst Christopher Keld was the Crown's lessee to the title of lord of the Manor of Beverley Chapter.³⁹³

Tickton

The township of Tickton, which was sometimes described as Tickton-cum-Hull Bridge, occupied 775 acres in 1852.³⁹⁴ The first enclosure of Tickton came about in 1665 when the open fields there were said to extend to 12 oxgangs, made up of 10 oxgangs of the Manor of Beverley Water Towns and 2 oxgangs of the Manor of Beverley Chapter. Quite fortuitously the details and tenures of land awarded at this early enclosure have survived,³⁹⁵ showing the following areas:

	a	r	p
Freehold	31	3	24
Copyhold of Beverley Water Towns	374	1	24
Copyhold of Beverley Chapter	89	2	0
Total area enclosed in 1665:	495	3	8

This total of the allotments, namely 495a 3r 8p, therefore, became 'old enclosures' of the township when a second enclosure came to divide and allot a further 251 acres of Tickton Carr in 1792.³⁹⁶ The enrolled enclosure award helpfully specified tenures in both the open pasture ground of the carr and the old enclosures of Tickton. Combining the two Tickton enclosures produces a clear view of the copyhold content of the township at the end of the eighteenth century. This appears in Table 5:41. The value of 556a 0r 16p shown for the copyholds held of the Manor of Beverley Water Towns, closely approximates to the area of 557a 2r 8p quoted in the particulars for the sale of copyhold land held of the same manor at Tickton and Hull Brigg in 1805.³⁹⁷ The freehold allotment of 24a 1r 12p in Tickton Carr referred to a single allotment made to the lord of the manor, in respect of his, 'four horsegates equivalent to one oxgang'. All other land in the carr was copyhold and there was no reduction in this case due to the commutation of tithes as the carr owners had their claim to be exempt from tithes upheld by two independent arbitrators.³⁹⁸ The lord of the manor did not appear to receive any award for his 'right of the soil'.

Table 5:41. Enclosure awards at Tickton 1665/1792, showing the manorial allotments.

Enclosure	Copyhold Beverley Water Towns			Copyhold Beverley Chapter			Freehold			Total		
	a	r	p	a	r	p	a	r	p	a	r	p
Open fields 1665 Tickton Carr 1792	374	1	24	89	2	0	31	3	24	495	3	8
Open fields Old	167	3	28	37	3	12	24	1	12	230	0	12
enclosures Roads and Drains	13	3	4	2	2	0	0	2	2	16	3	6
							4	0	32	4	0	32
Totals	556	0	16	129	3	12	60	3	30	746	3	18

Source: Enrolled enclosure award dated 5 April 1792. RDB BG/329/47.

Weel

The township of Weel, situated directly to the south of Tickton, was said to contain 1,139 acres in 1855.³⁹⁹ Within the township lay Weel Carr with an area almost twice that of its counterpart in Tickton. This carr land was included in an act of parliament passed in 1785 to enclose, ‘...certain Lands, Grounds, Carrs and Common Pastures, in Woodmansey, Thearne, Weal (sic), and Skidby’.⁴⁰⁰ In 1786 the commissioners began their task to divide and enclose 455a 2r 16p of carr land at Weel. In the award,⁴⁰¹ Michael Newton, of Thorpe in Lincolnshire, was awarded 60a 3r 0p of freehold land in lieu of tithes leaving all the other allotments amounting to 386a 0r 26p of copyhold tenure. There was also a small residue of land namely 8a 2r 30p allocated for roads and drains.

A global figure for the amount of copyhold land existing in the township of Weel in 1805 comes from the particulars of sale mentioned in connection with Tickton.⁴⁰² This was given as 693a 1r 31p, all held of the Manor of Beverley Water Towns. A search through

the relevant court book of the Manor of Beverley Chapter ⁴⁰³ failed to find any land or tenements held of that manor in Weel.

Eske

The township of Eske, situated to the north of Tickton, was said to occupy 1,098 acres in 1855. ⁴⁰⁴ The enclosure of Eske may have taken place in medieval times when the village became deserted, but all documentary evidence of an enclosure seems to have been lost. ⁴⁰⁵ In 1840 Poulson described the whole of Eske as being, 'divided into two farms' ⁴⁰⁶ and no copyholds have been traced for the period under examination.

Ulrome

In 1856, Sheahan and Whellan described the Chapelry of Ulrome, or Ulram, ⁴⁰⁷ as being, 'partly in the parish of Barmston, but chiefly in that of Skipsea'. ⁴⁰⁸ Like Barmston and Skipsea, Ulrome shared its eastern boundary with the North Sea and for that reason suffered continual land losses through coastal erosion. In 1855 the township was said to contain 1,594 acres. ⁴⁰⁹ The Manor of Ulrome had been in the hands of the Rickaby family since 1717, ⁴¹⁰ and when enclosure came in 1767, a John Rickaby was lord of the manor. In the award it was apparent that there were no copyhold lands held of the Manor of Ulrome. The only copyhold allotment made by the commissioners was that of 16a 0r 33p in the South Field, to William Wilson in place of his one oxgang in the former open fields, held of the Manor of North Frodingham. This award represented only 1.7% of the total award of 944a 0r 22p. ⁴¹¹

Old enclosures

In 1767 the old enclosures of Ulrome were very extensive, occupying approximately one-third of the township. A map of Ulrome drawn by John Tuke in 1787, 'From a Survey by Chas. Tate Snr. 1766', ⁴¹² numbers sequentially old and new enclosure plots, but

unfortunately the whereabouts of the key to the names of the plot holders has not been discovered. Also, in the absence of the court rolls, it has not been possible to identify any old enclosures held copyhold of the Manor of Ulrome. One entry of a Compensation Agreement made on 9 January 1934 between the lord of the Manor of North Frodingham and a former copyholder, Mrs. E.J. Deighton, ⁴¹³ refers to 'a cottage, tenement or dwelling house with yard and croft adjoining, in Ulrome'. No area of the croft is given but the usual estimate of two acres is allowed in the final analysis. (See the section on Easington in this chapter.

Withernwick

The parish and township of Withernwick was said to contain 2,822 acres in 1855. ⁴¹⁴ The manor and a large estate there was purchased by Hugh Bethell in 1703 ⁴¹⁵ and was still in the hands of the family when the enclosure of its open fields took place in 1814. The commissioners divided and allotted a total area of 1,699a 2r 3p to individuals, all of which was either freehold or leasehold. ⁴¹⁶ Similarly no copyholds have been traced in the old enclosures of the parish for the period under examination.

NORTH HOLDERNESS ANALYSIS

Open Fields

Table 5:42 Copyhold acreages in the former open fields of the parishes and townships of the Northern Division, as identified from the enclosure awards 1732-1860.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Enclosure Award	Total area Awarded Acres	Freehold Awarded Acres	Copyhold Awarded Acres	% Copyhold of the Total
Atwick	1772	1,405	1,405	0	0
Barmston (1)	1758	192	192	0	0
Barmston (2)	1820	237	237	0	0
Beeford	1768	3,397	3,221	176	5.2
Lissett	1772	1,016	1,016	0	0
Brandesburton	1847	1,342	1,342	0	0
Catwick	1732	1,417	1,417	0	0
North Frodingham	1808	2,271	694	1,577	69.4
Hornsea	1809	2,131	672	1,459	68.5
Leven	1796	1,495	603	892	61.8
Long Riston	1778	3,138	3,138	0	0
Mappleton	1849	1,102	1,102	0	0
Great Cowden	1772	957	957	0	0
Rowlston	1860	698	698	0	0
Bewholme	1740	1,042	1,042	0	0
Sigglesthorne	1781	894	893	1	0.1
Dringhoe, Upton and Skipsea Brough	1763	1,484	1,426	58	3.9
Skipsea	1765	1,591	210	1,381	86.8
Tickton Carr	1792	230	24	206	89.4
Weel Carr	1786	447	61	386	86.4
Ulrome	1767	944	928	16	1.7
Withernwick	1814	1,700	1,700	0	0
Totals		29,130	22,978	6,152	21.1

Old enclosures

Table 5:43 Copyhold acreages in the old enclosures of the parishes and townships of the Northern Division, as identified in the period 1732-1860.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Total area of old enclosures	Copyhold area Acres	% Copyhold of the total
Atwick	892	0	0
Barmston	1,871	0	0
Beeford	356	29	8.1
Lissett	134	0	0
Dunnington	844	1	0.1
Brandesburton	3,780	0	0
Catwick	153	0	0
North Frodingham	876	69	7.9
Goxhill	838	0	0
Hornsea including Hornsea Burton	1,135	227	20.0
Leven including Hempholme, Hayholme and Hallitreeholme	3,485	43	1.2
Long Riston and Arnold	352	0	0
Mappleton	84	0	0
Great Cowden	122	0	0
Rowlston	69	0	0
Nunkeeling with Bewholme	1,273	0	0
Rise	2,034	0	0
Routh	2,385	0	0
Sigglesthorpe including Catfoss, Little Hatfield, Great Hatfield, Seaton with Wassand	4,913	68	1.4
Bonwick	774	0	0
Dringhoe, Upton and Skipsea	157	10	6.4
Brough			
Skipsea	40	21	52.5
Tickton	513	480	93.6
Weel	684	307	44.9
Eske	1,098	0	0
Ulrome	650	2	0.4
Withernwick	1,123	0	0
Totals	30,635	1,257	4.1

Table 5:44 A consolidation of Tables 5:42 and 5:43 to show the total copyhold acreage identified in the Northern Division of Holderness, in the period 1732-1860.

Areas have been rounded up or down to the nearest acre.

Parish/Township	Total parish Area c.1855 Acres	Total area of Copyholds Acres	% Copyholds of the total area
Atwick	2,297	0	0
Barmston	2,300	0	0
Beeford	3,753	205	5.5
Lissett	1,150	0	0
Dunnington	844	1	0
Brandesburton	5,122	0	0
Catwick	1,570	0	0
North Frodingham	3,147	1,646	52.3
Goxhill	838	0	0
Hornsea etc.	3,266	1,686	51.6
Leven etc.	4,980	935	18.8
Long Riston etc.	3,490	0	0
Mappleton	1,186	0	0
Great Cowden	1,079	0	0
Rowlston	767	0	0
Nunkeeling etc.	2,315	0	0
Rise	2,034	0	0
Routh	2,385	0	0
Sigglesthorne etc.	5,807	68	1.2
Bonwick	774	0	0
Dringhoe, Upton and Skipsea			
Brough	1,641	68	4.1
Skipsea	1,631	1,402	86.0
Tickton	743	686	92.3
Weel	1,131	693	61.3
Eske	1,098	0	0
Ulrome	1,594	18	1.1
Withernwick	2,823	0	0
Totals	59,765	7,408	12.4

The pattern of copyholds traced in the North Division of Holderness was very similar to that found in the other two Divisions. The copyholds, to all intents and purposes, were limited to the parishes of North Frodingham, Hornsea, Leven, Skipsea, Tickton and Weel, with the remaining thirteen parishes possessing little or no copyholds by the time of their enclosure. Only in the townships of Skipsea and Hornsea would copyholds have been

reduced by the action of the sea, but tithe commutation at enclosure affected copyholds at North Frodingham, Hornsea, Leven and Skipsea.

Tables 5:42 and 5:43 show an almost equal division between the areas of enclosed open fields, and old enclosures. Once again a number of parishes had been enclosed in the seventeenth century, and with the sole exception of Tickton, by 1750, these were mainly composed of lands with freehold or leasehold tenures. As before, a number of village garths such as Hornsea and Leven were almost entirely made up of copyhold tenements, but individual plot sizes were very small and apart from the old enclosures of Hornsea Burton, Tickton and Weel, the areas of old enclosure in the Division were mainly freehold in tenure.

ANALYSIS OF THE HOLDERNESS WAPENTAKE

Open fields

Taking the Divisional values identified in this exercise the acreages of copyholds traced in Holderness in the period 1750-1860 are shown in Table 5:45.

Table 5:45 Copyhold Land in Holderness c.1750-1860.

Division	South Acres	Middle Acres	North Acres	Total Acres
Open Field				
Total area	18,517	21,604	29,130	69,251
Copyhold	5,256	4,186	6,152	15,594
% Copyhold	28.4	19.4	21.1	22.5
Old Enclosures				
Total area	27,804	35,030	30,635	93,469
Copyhold	1,402	324	1,257	2,983
% Copyhold	5.0	0.9	4.1	3.2
Total Land				
Area	47,114	56,634	59,765	163,513
Copyhold	6,658	4,510	7,409	18,577
% Copyhold	14.1	8.0	12.4	11.4

NB: Sunk Island with an area of c.7,330 acres is not included in the total area of 163,513 acres.

The conclusions to be drawn from this exercise of tracing copyholds present in Holderness at our 'starting point' are:

- (1) The copyholds in the former open fields, at the time of their parliamentary enclosure, gave an average figure of a little in excess of one-fifth of the total, namely 22.5%.
- (2) When the old enclosures are brought into the picture, the value is halved, reducing copyholds to 11.4% of the total,
- (3) Copyholds in Holderness, in the eighteenth and the first half of the nineteenth centuries, were seriously reduced in acreage by two factors. First, by the erosion of the land at the coast by the action of the North Sea. This was most marked in the South Division, but also affected the other two Divisions to a degree. Second, by the mechanism of enclosure whereby tithes were commuted by the award of land to tithe owners, which reduced the copyhold content of the parish or township, and gave the freehold portion an increased area.
- (4) Enfranchisement in the period immediately before enclosure did have some modest effect of reducing the copyhold acreage, with Burstwick and Skeckling (325 acres), Preston (597 acres) and Leven (81.5 acres) being cases in point.

Conclusions (1) and (2) above, immediately raise two questions. First, why were the old enclosures of Holderness almost entirely freehold tenure? Second, why should the copyholds in the open fields have survived in measurable quantities up to the time of enclosure? Concerning the first question, and leaving aside the village garths with their numerous messuages and cottages occupying relatively small areas, the essential picture of the arable, meadow and pasture lands of the old enclosures was that, by the end of the eighteenth century, 96.8% of the total area was freehold.

It would be outside the scope of this thesis to attempt to determine if and when these old enclosures had formerly been copyhold, and if so at what period had they been enfranchised to become freehold.⁴¹⁷ Nevertheless, within the period of investigation, it is possible to see present a number of compact areas of the old enclosures held either by the lord or some other substantial owner, who would farm the land himself, or lease, or rent out the land to tenant farmers. In the Southern Division, the Constables held the fee simple of large areas of the parish of Burstwick. Ridgemont with 790 acres was a case in point where the Catholic Constables and their Quaker tenants, the Stickneys, honoured a verbal tenancy agreement, 'for upwards of a 100 years as yearly tenants'.⁴¹⁸ In the same parish the Constable's estate also comprised of, 'four (farms) of 200-350a., and four of 40-80a.'. ⁴¹⁹ A similar story could be told for the neighbouring Constable farms at Halsham, where enclosure had been completed by c.1715.⁴²⁰ At Keyingham in 1774, the old enclosures were largely made up of c.1,400 acres belonging to William Constable in 1774 and Saltaugh Grange with 455 acres owned by the Corporation of the Sons of the Clergy.⁴²¹ At Patrington in 1768, Henry Maister, the lord of the manor, owned c.858 acres of the old enclosures of the parish.⁴²²

In the Middle Division, c.5,115 acres of the parish of Humbleton were old enclosures, and had Lord Hotham, the lord of the manor, as its principal landowner.⁴²³ At Roos in 1786, 794 acres of old enclosures, at the southern end of the township, was held freehold by the lord of the manor, Sir Christopher Sykes.⁴²⁴ The large parish of Swine with 13,650 acres, and which had been enclosed prior to the eighteenth century, was held by a small number of landowners, in particular over 2,000 acres by Lady Elizabeth Wood, who devised her estate to the family of the earls of Shaftesbury.⁴²⁵ Another prominent landowner at Swine

was William Wilberforce (d.1833) who had an estate in Coniston of c.500 acres in three farms. ⁴²⁶

The situation in the North Division presented the same pattern of freehold ownership of the old enclosures. In 1819 at Barmston, Sir Henry Boynton, lord of the manor, held 2,375 acres all of which except for about 200 acres was old enclosure. ⁴²⁷ At Brandesburton, in 1743, the Corporation of the Emanuel Hospital had an enclosed estate of 3,634 acres. ⁴²⁸

The overall picture, therefore, shows that by 1750, with few exceptions, the arable, meadow and pasture lands of the old enclosures of Holderness were held freehold in large farm units by the various lords of the manors, or other substantial landowners who farmed the land themselves, or leased, or rented out to the tenant farmers.

Concerning the second question, that of the dogged survival of copyholds in the open fields of Holderness, the possible reasons for this are discussed in chapter seven, 'Conclusions'.

With the identification and measurement of existing copyholds in the three Divisions of Holderness now brought to light in this chapter, the task ahead in chapter six is to chart the disappearance of this copyhold acreage by the actions of either the lords of the manors, or their customary tenants, against a background of parliamentary legislation, designed to facilitate the extinguishment of copyholds, in the nineteenth century.

Appendix 1

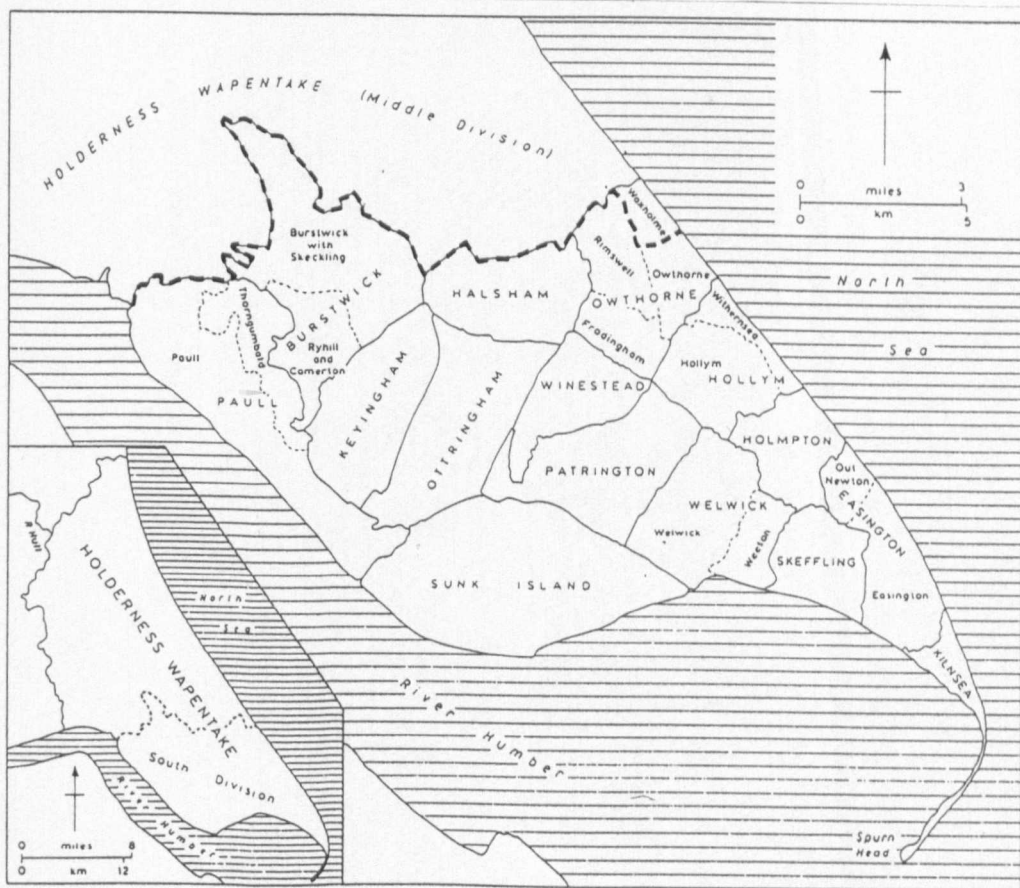
Pre-enclosure maps of the townships and parishes of Holderness containing copyhold land at the time of their enclosure awards.

Note : The pre-enclosure maps Figures 1 to 27, are reproduced from volumes of the Victoria County History of the East Riding of Yorkshire. These are as follows:

- Figures
- | | |
|-----------------------|---|
| 1 – 11 & 16 | : York, East Riding, Vol.V, <i>Holderness Southern Part</i> , K.J. Allison (ed.), Oxford University Press, 1984. |
| 26 | : York, East Riding, Vol.VI, <i>The Borough and Liberties of Beverley</i> , K.J. Allison (ed.) Oxford University Press, 1984. |
| 12 – 15; 17 – 25 & 27 | : York, East Riding, Vol.VII, <i>Holderness: Northern and Middle Parts</i> G.H.R. Kent (ed.). Oxford University Press, 2002. |

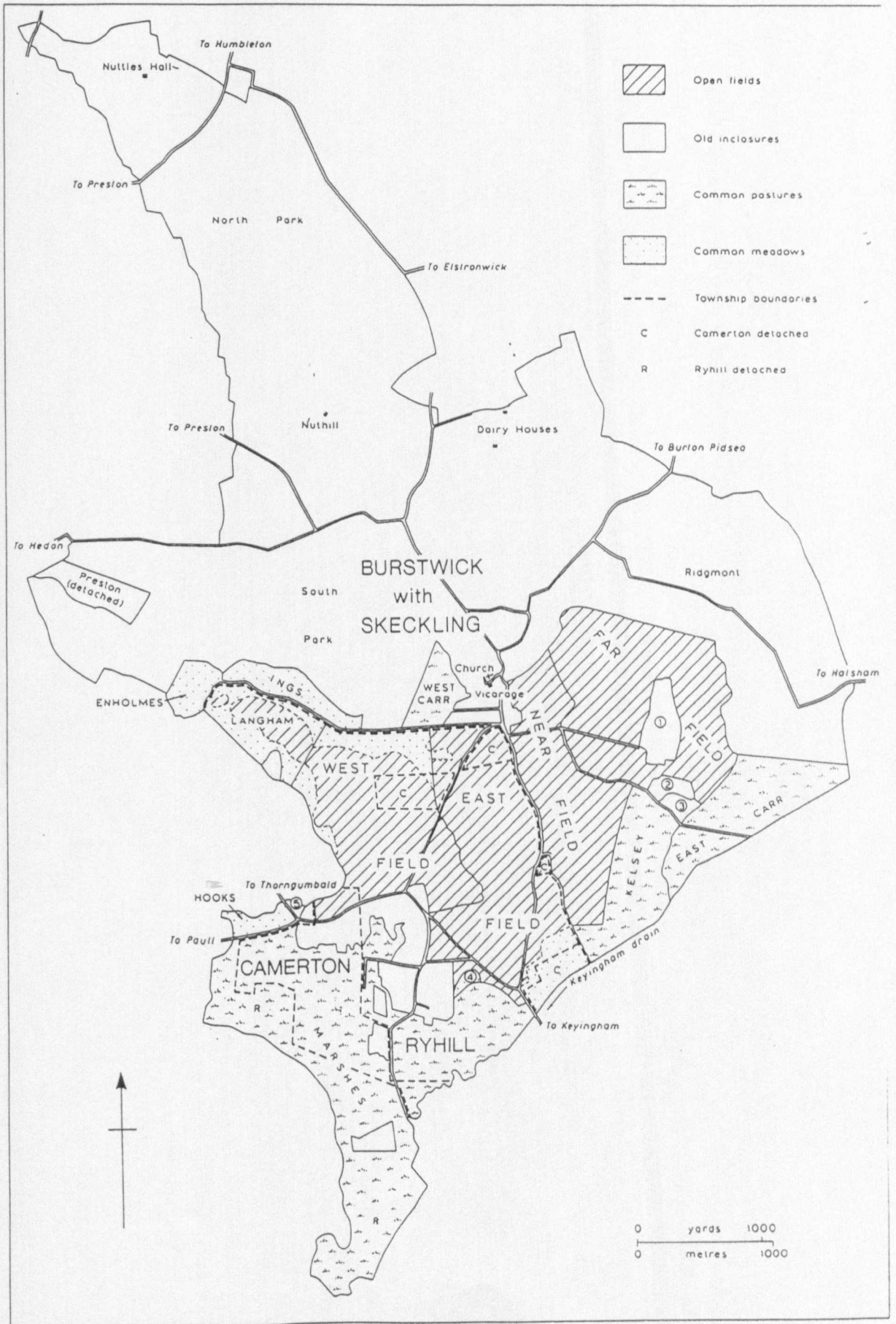
Reproduction is by kind permission of the General Editor, Professor A. Fletcher.

Figure 1



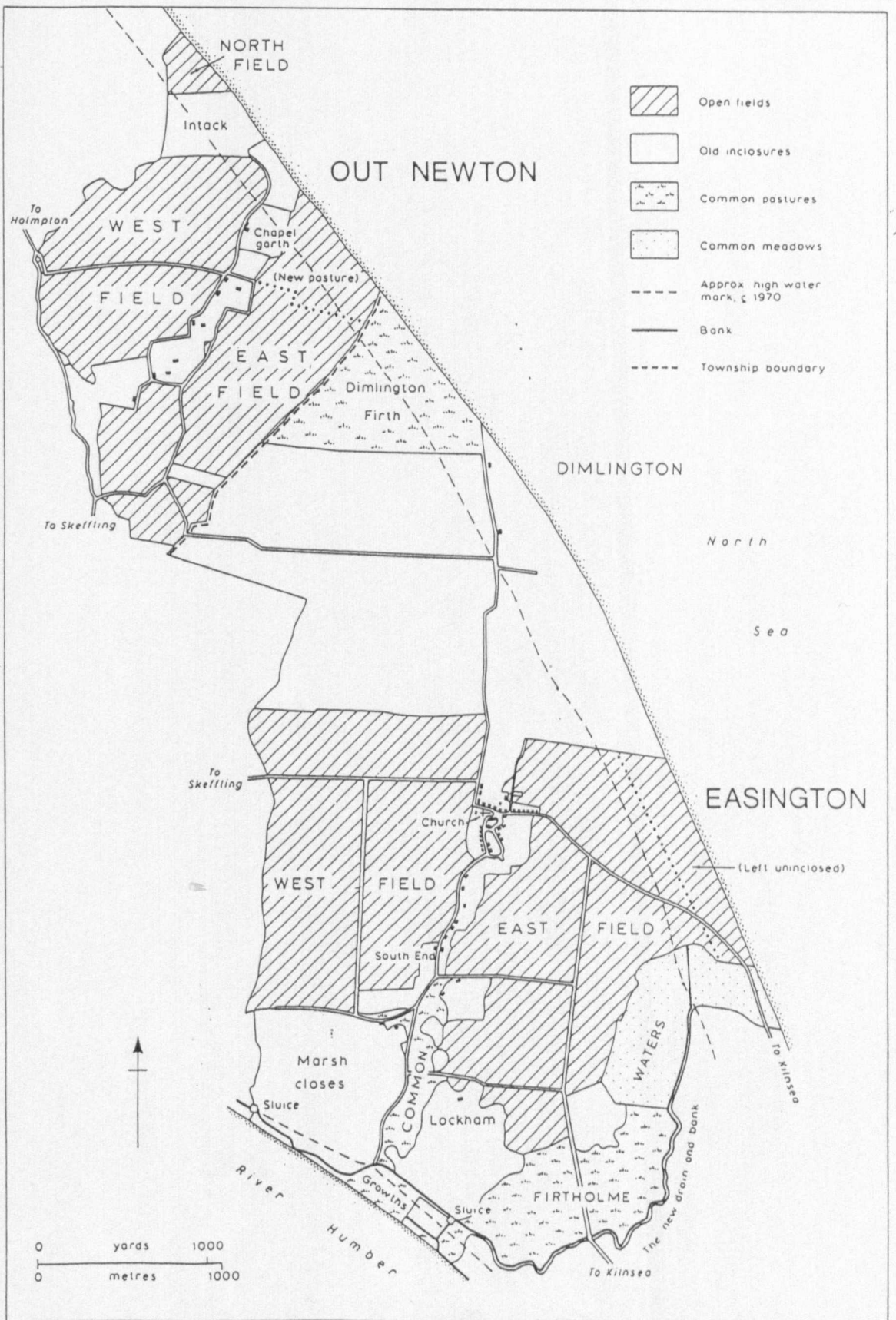
HOLDERNESS WAPENTAKE, SOUTH DIVISION. The parish boundaries are those of c. 1850

Figure 2

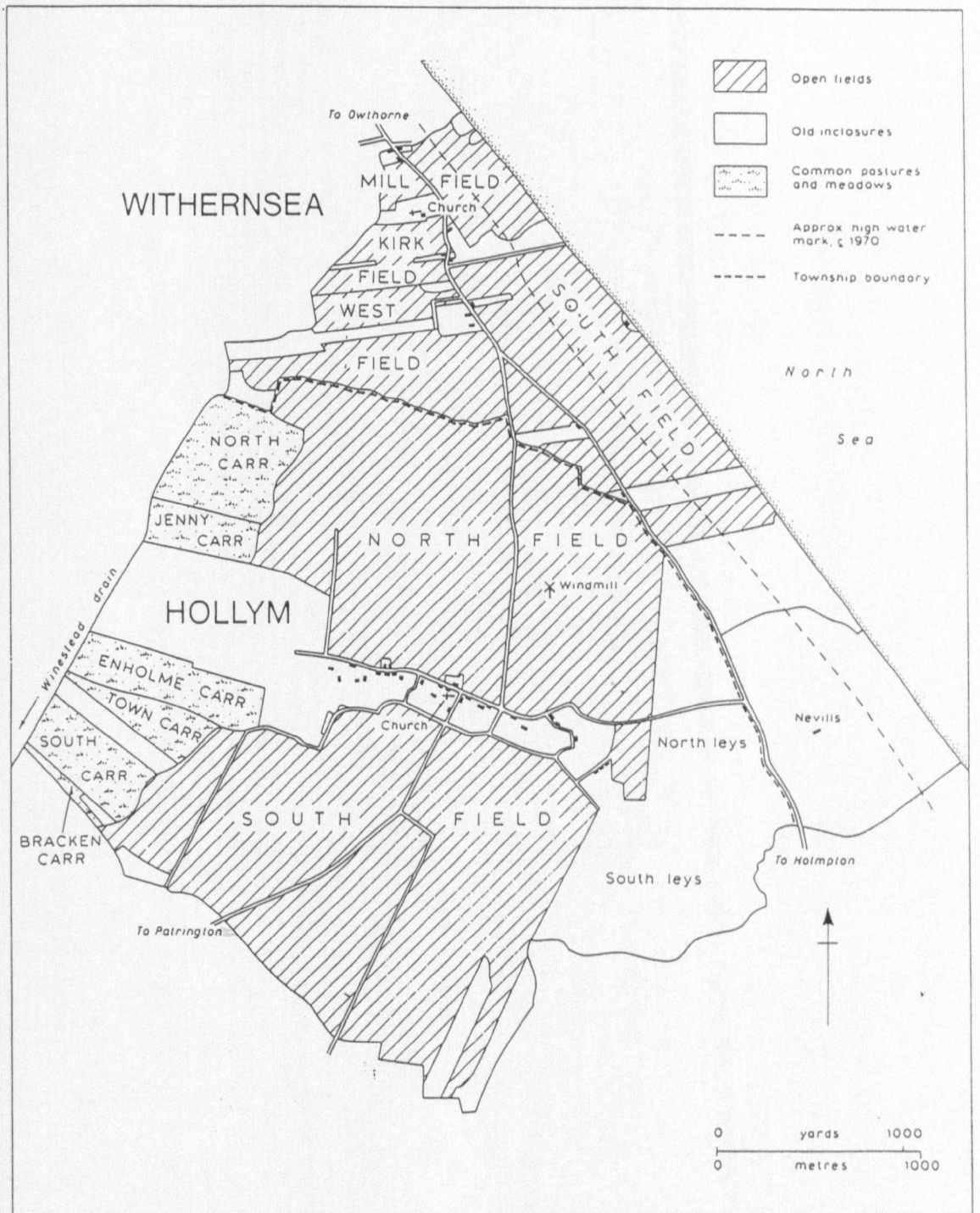


BURSTWICK WITH SKECKLING AND RYHILL WITH CAMERTON BEFORE INCLOSURE IN 1777 AND 1810 RESPECTIVELY
 1-2. Totleys 3. Hoddingham 4. Pans 5. West Hold

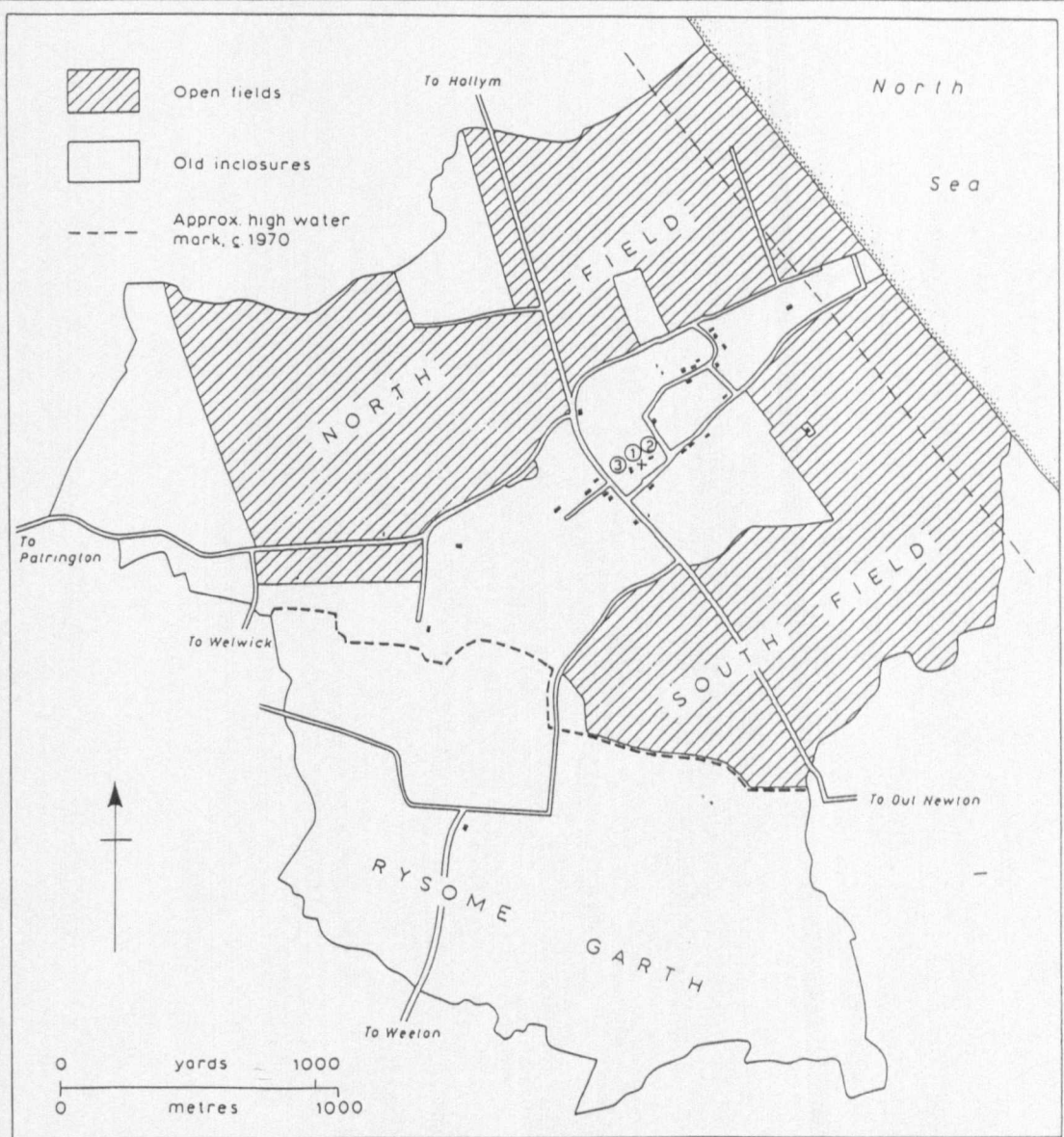
Figure 3



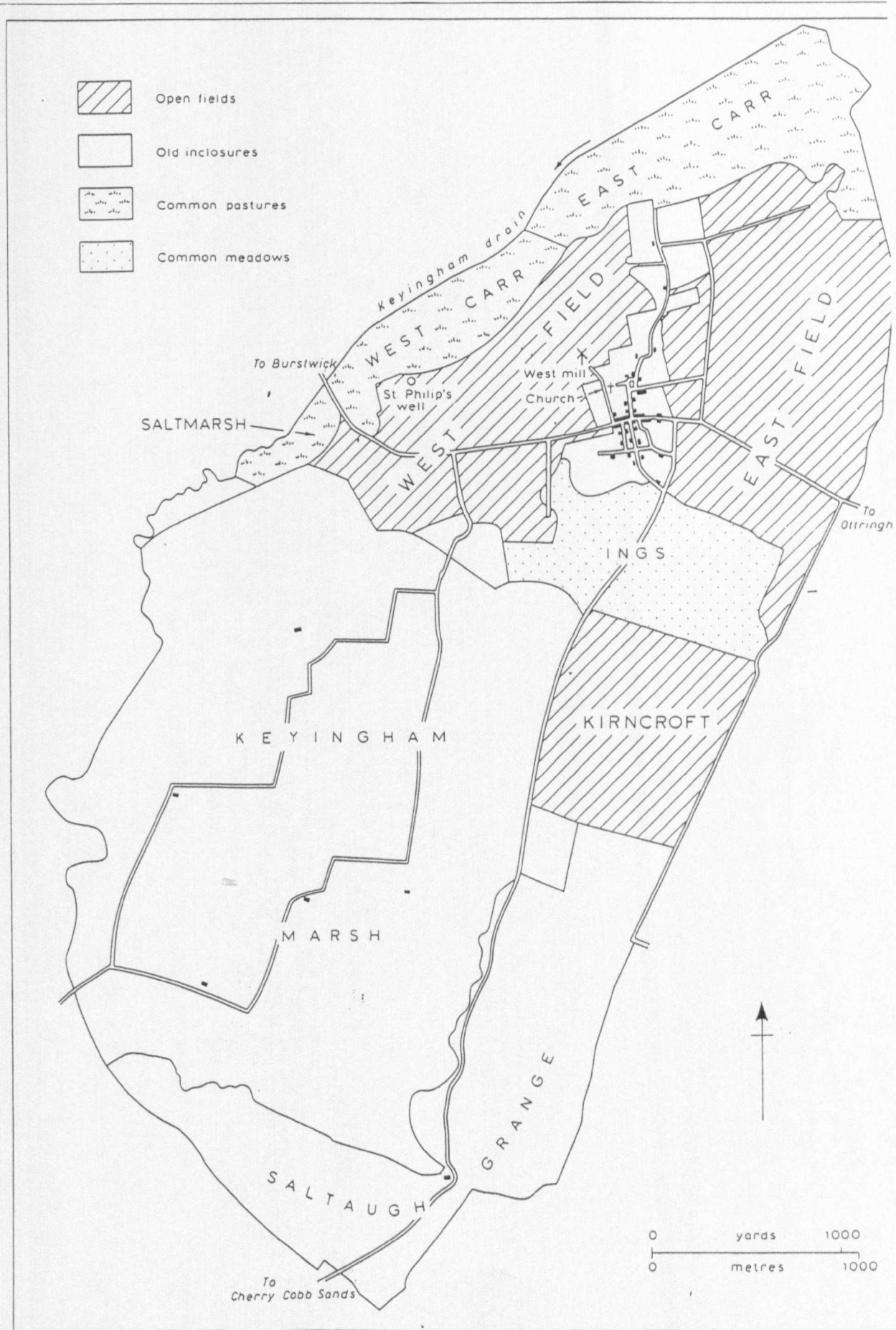
EASINGTON AND OUT NEWTON BEFORE INCLOSURE IN 1771 AND 1757 RESPECTIVELY



HOLLYM AND WITHERNSEA BEFORE INCLOSURE IN 1797

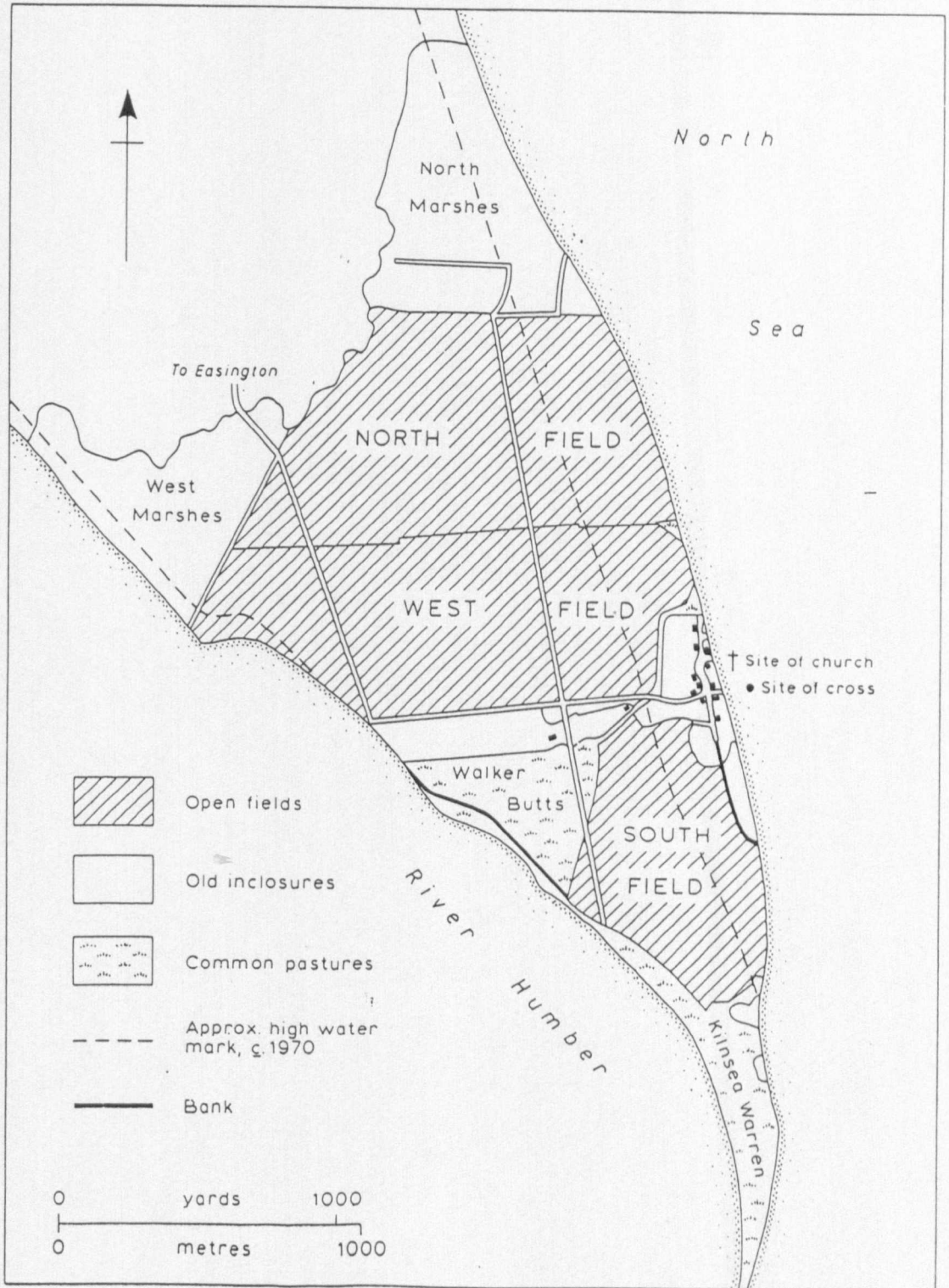


HOLMPTON BEFORE INCLOSURE IN 1807
 1. church 2. rectory 3. manor house

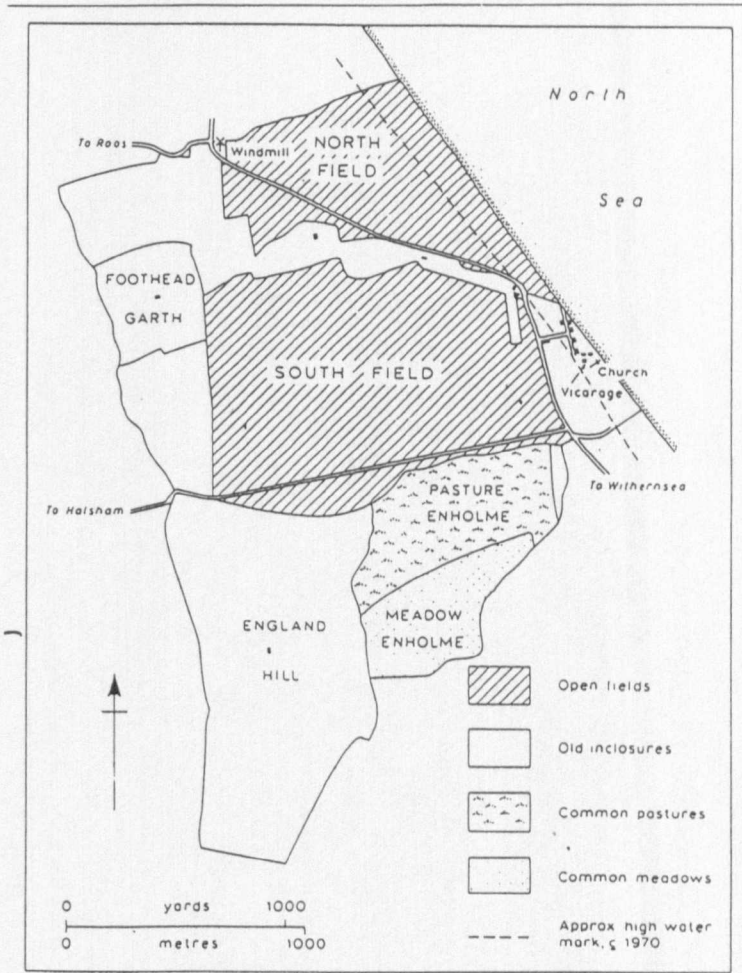


KEYINGHAM BEFORE INCLOSURE IN 1805

For reasons of scale, Spurn Point, lying to the South of Kilnsea Warren, is not shown on the map below.

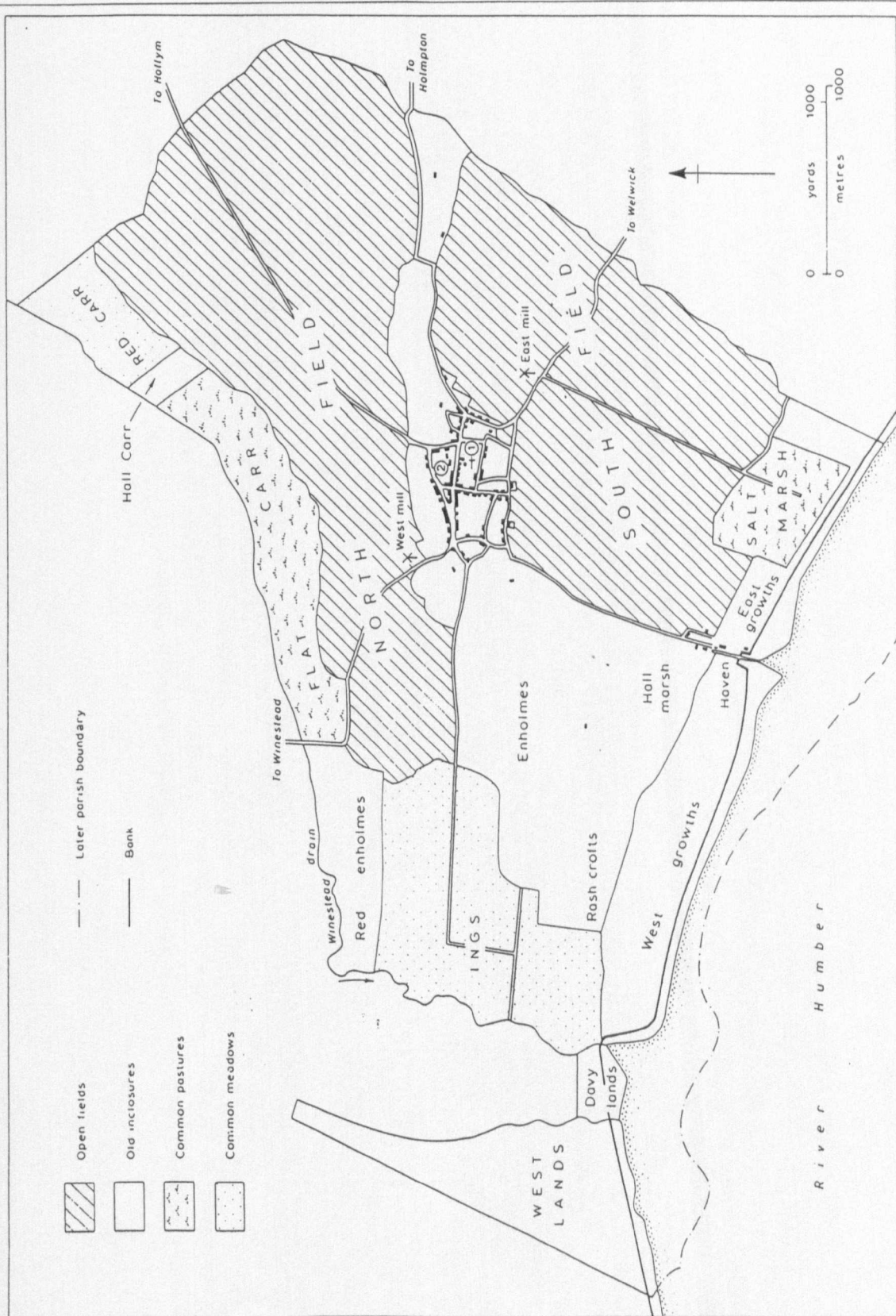


KILNSEA, 1818



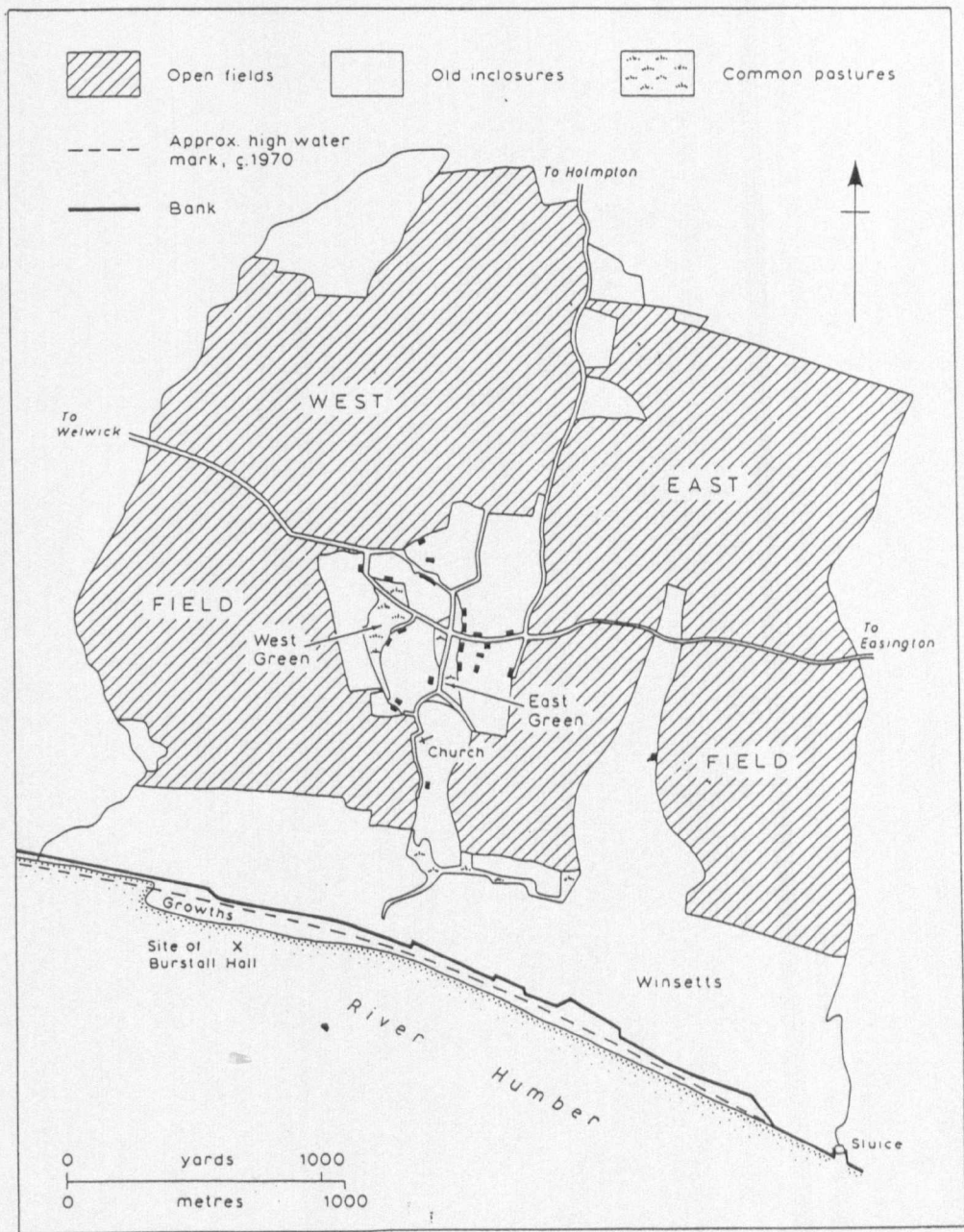
OWTHORNE TOWNSHIP BEFORE INCLOSURE IN 1815

Figure 9

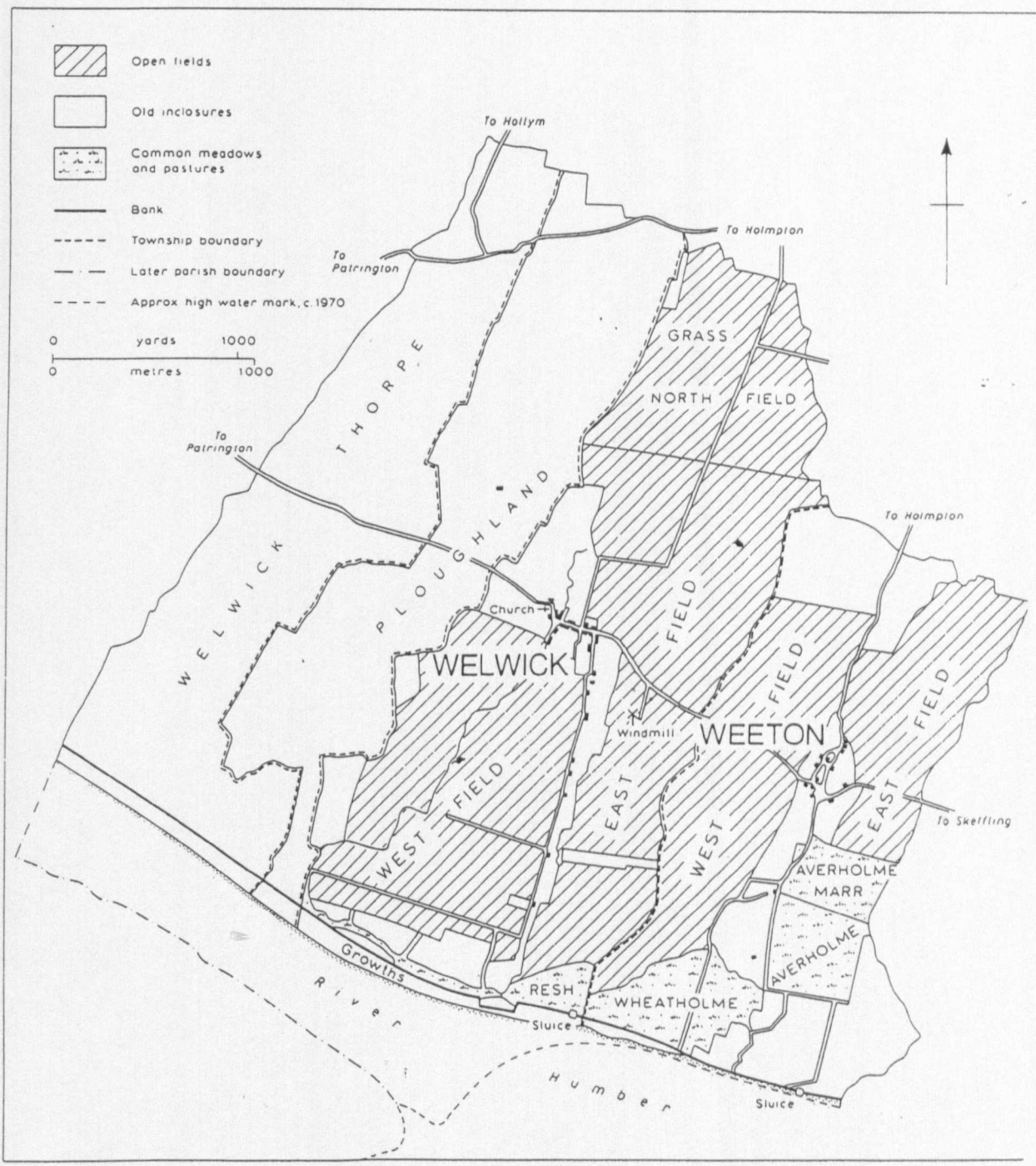


PATRINTON BEFORE INCLOSURE IN 1768

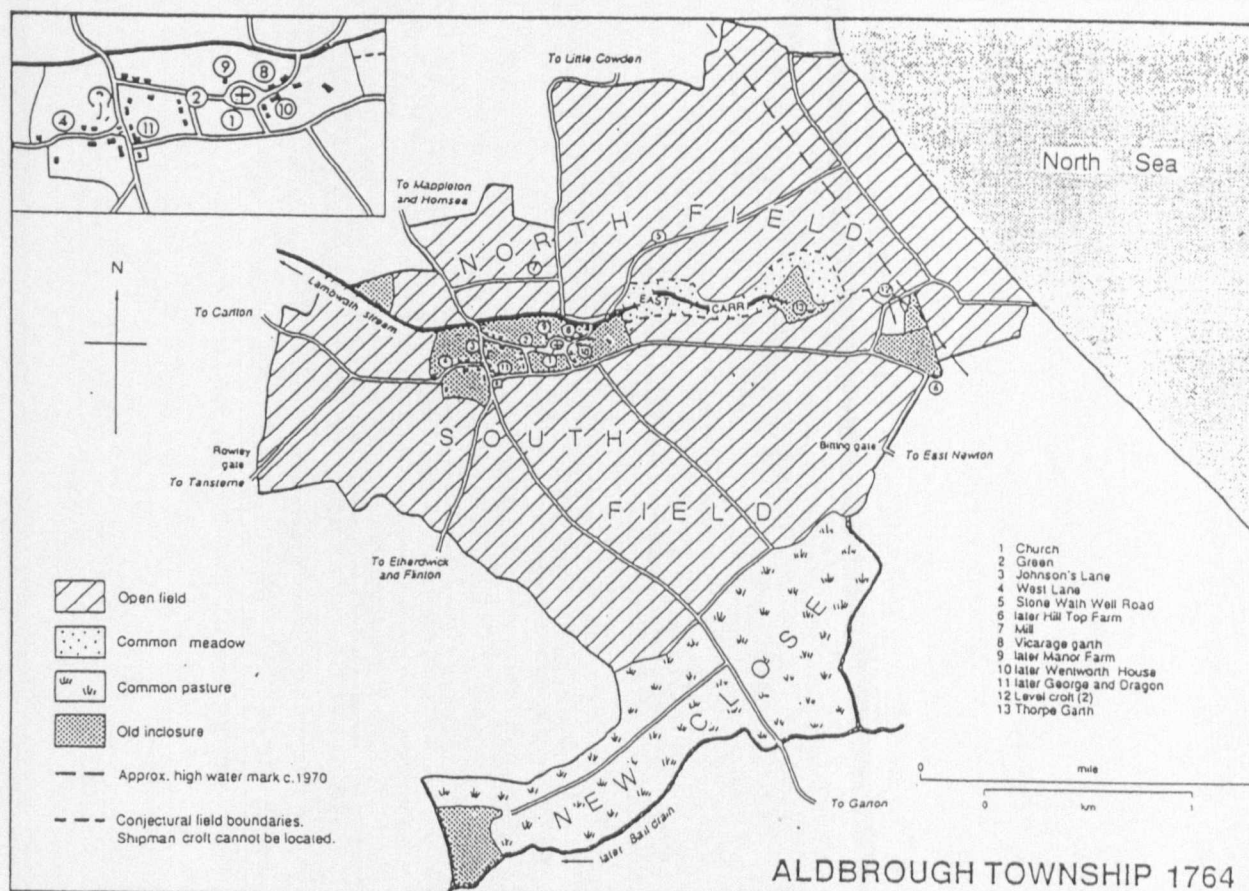
1. church 2. rectory



SKEFFLING PARISH BEFORE INCLOSURE IN 1765



WELWICK AND WEETON BEFORE INCLOSURE IN 1771



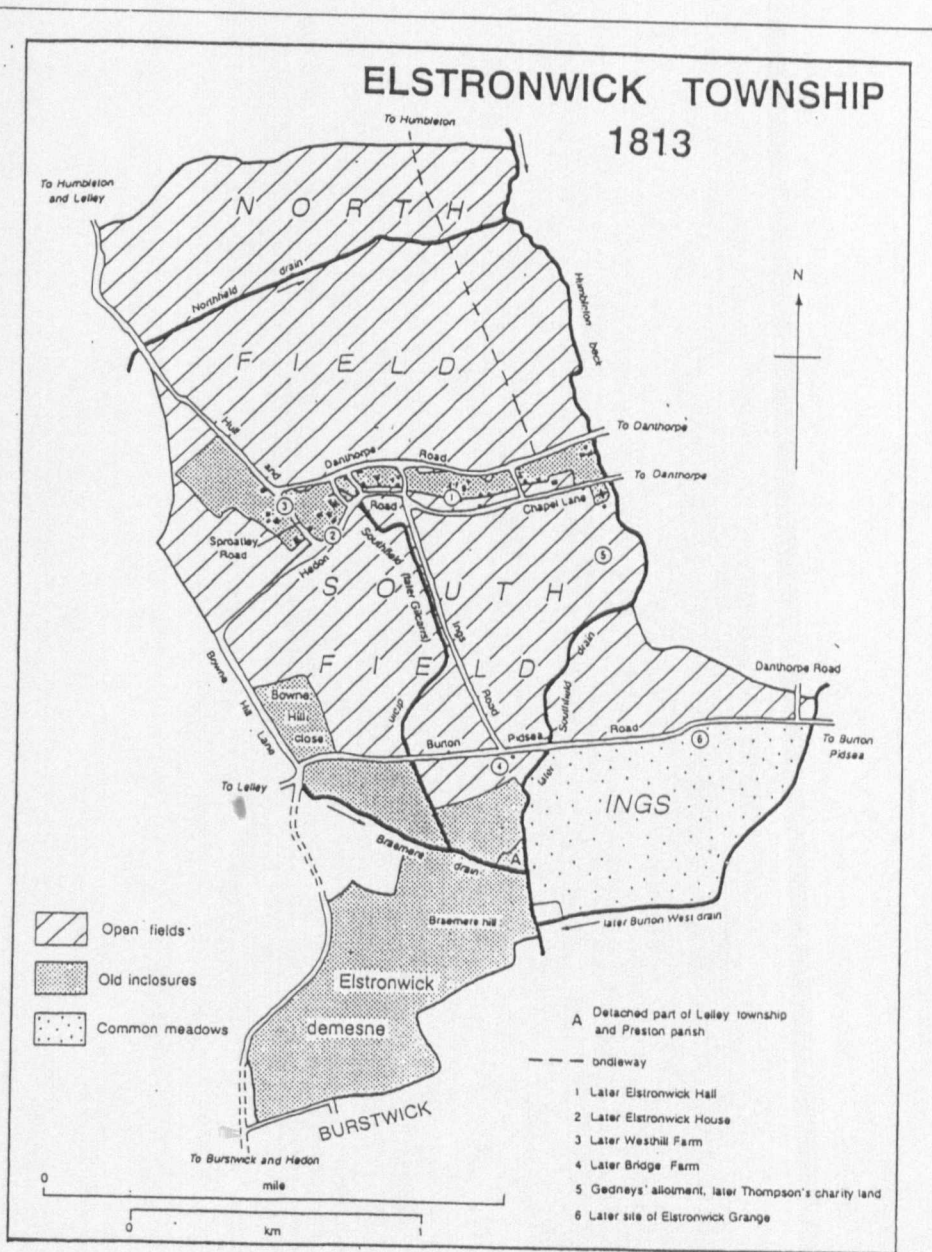


Figure 16

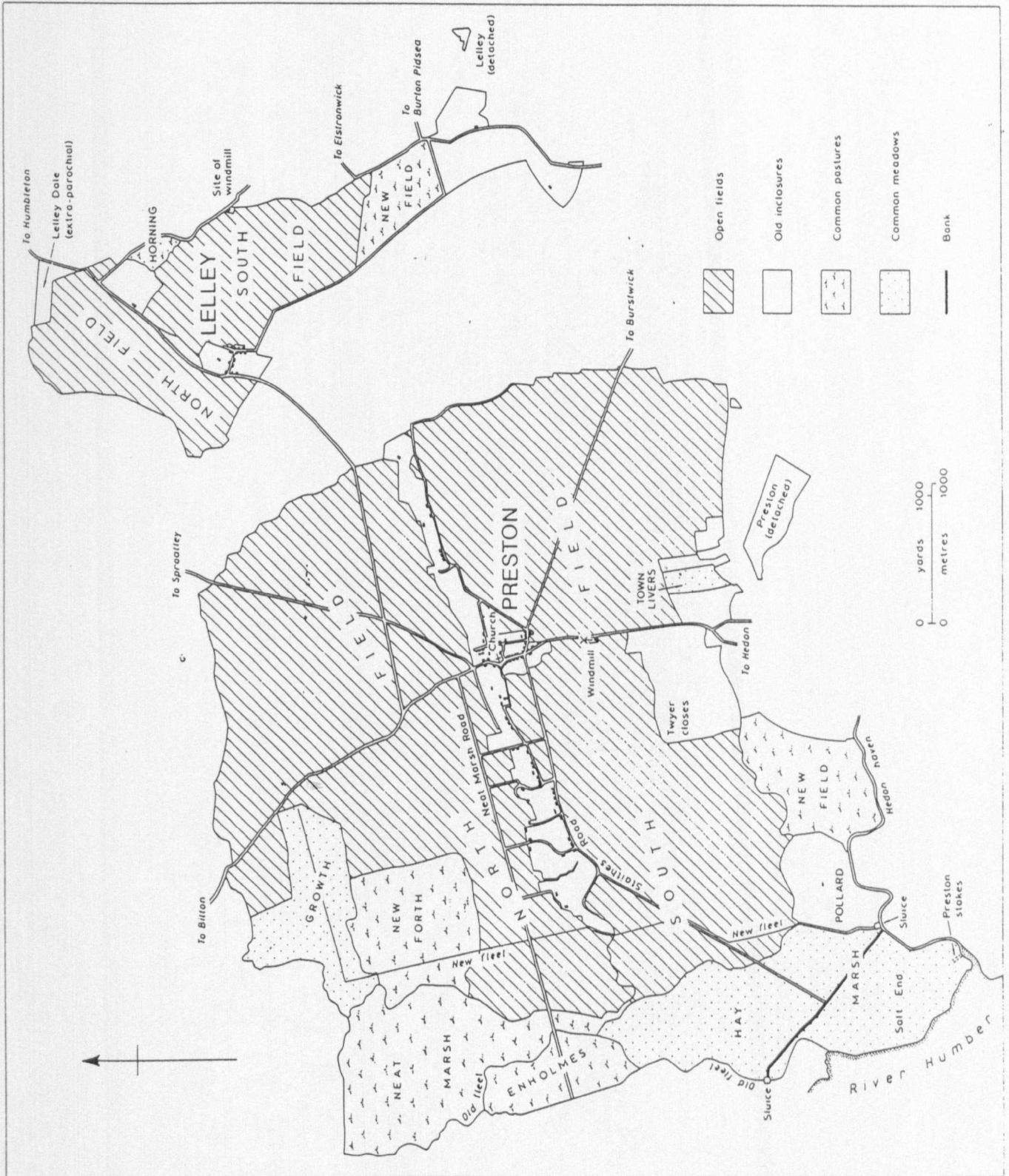


Figure 17

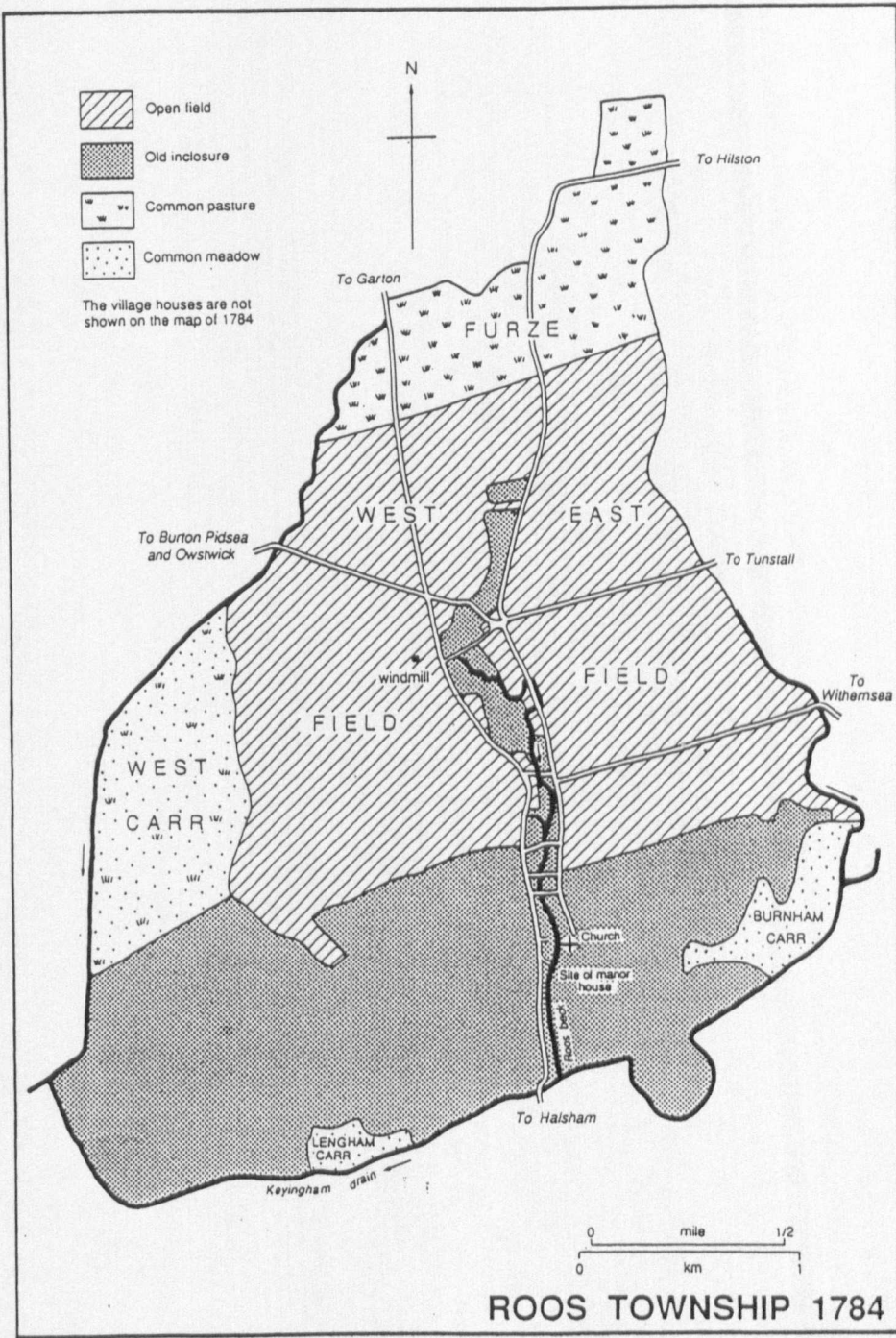
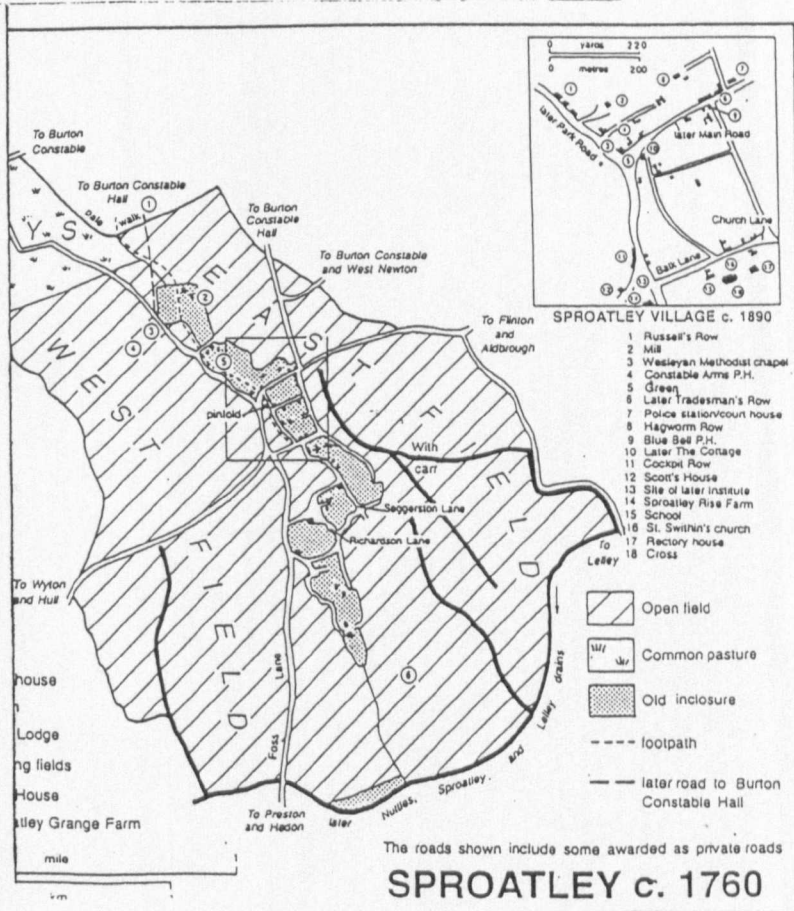
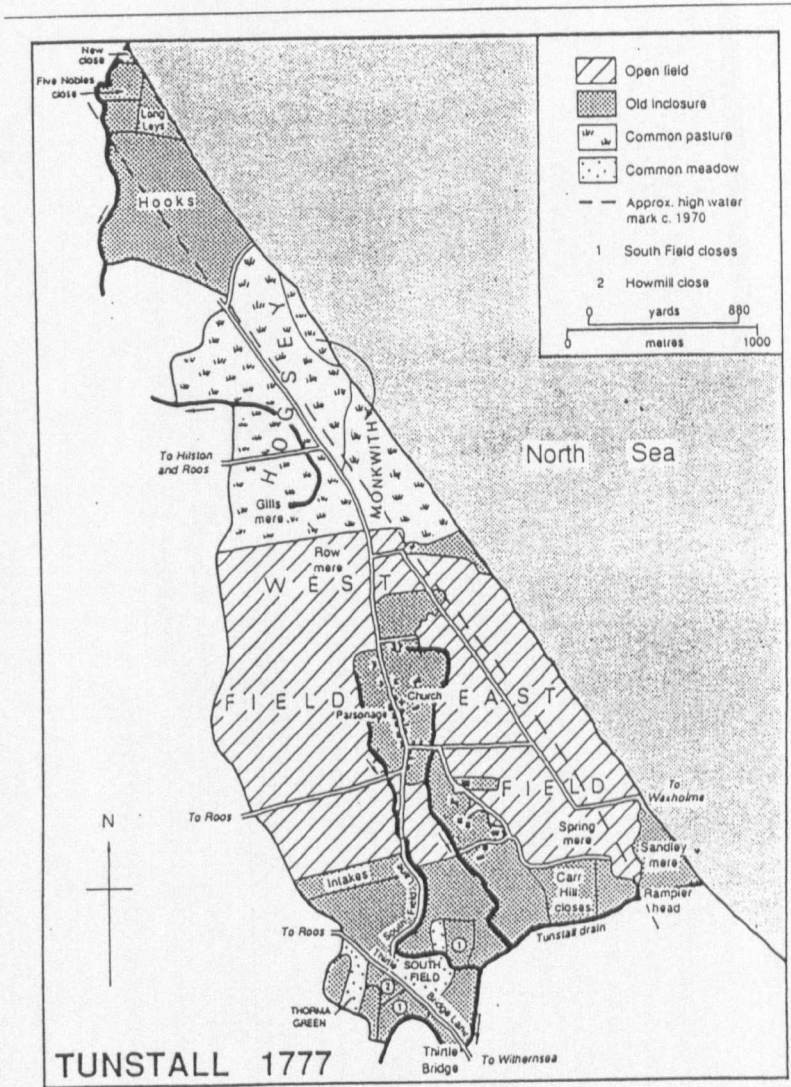


Figure 18





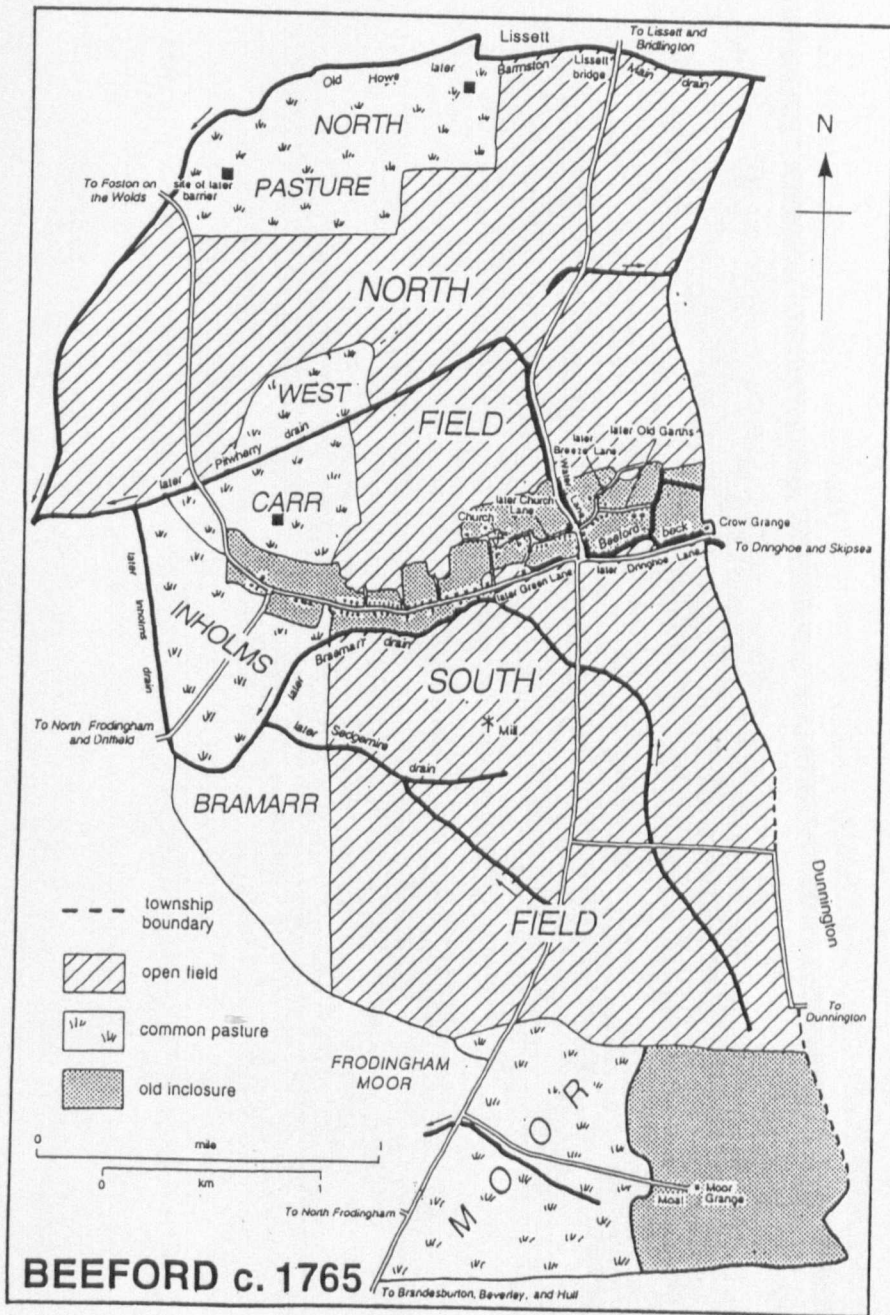
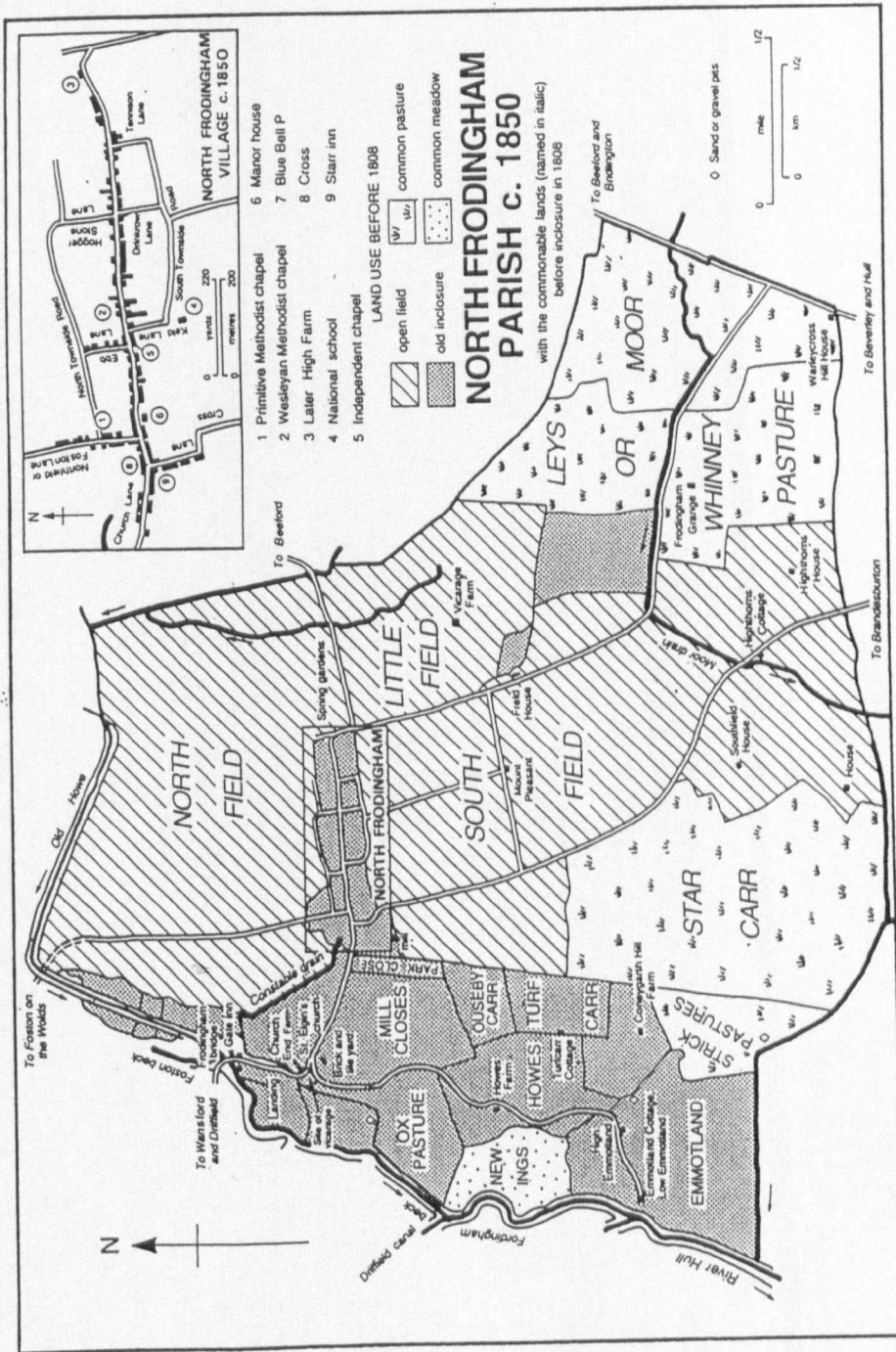
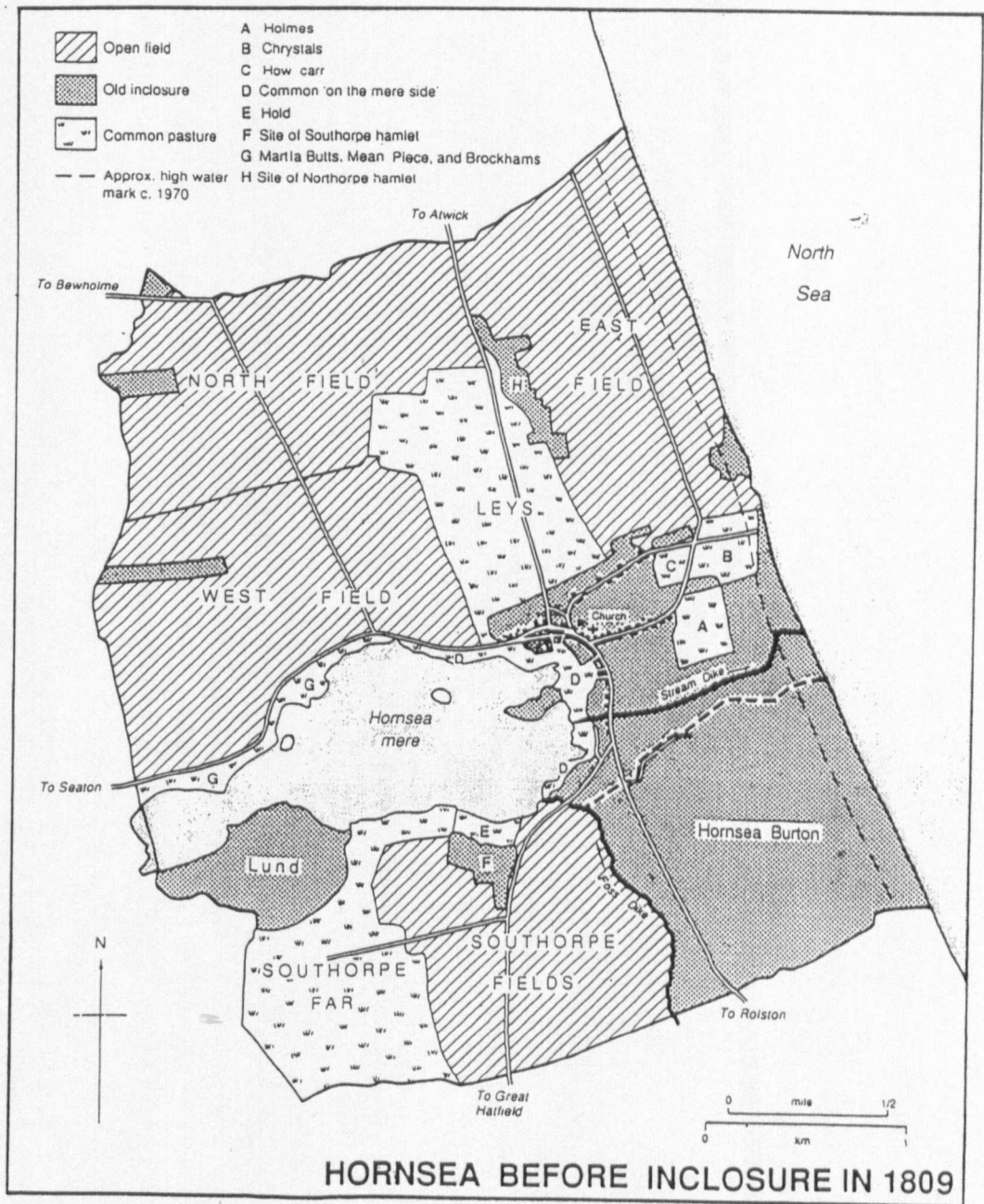
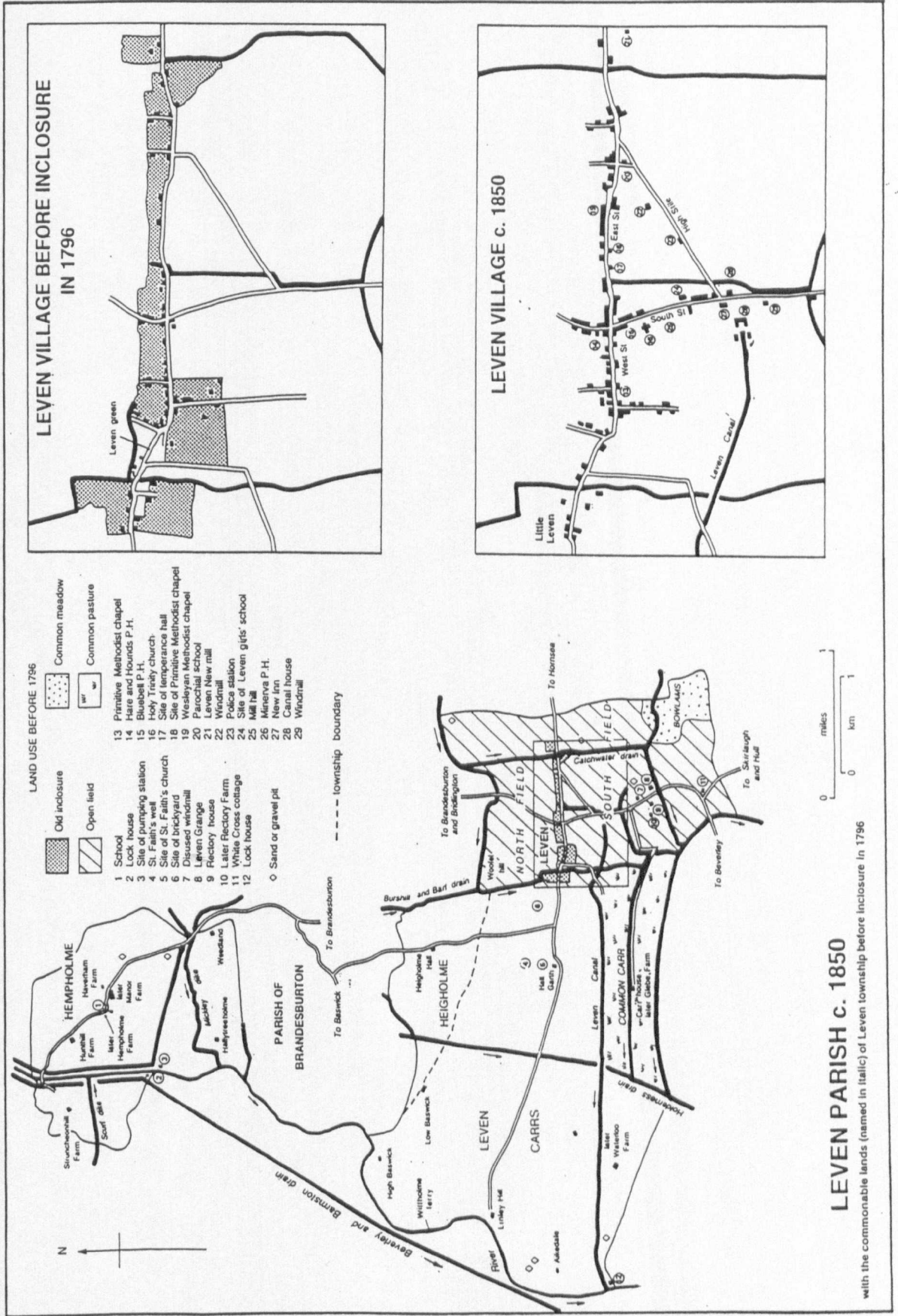
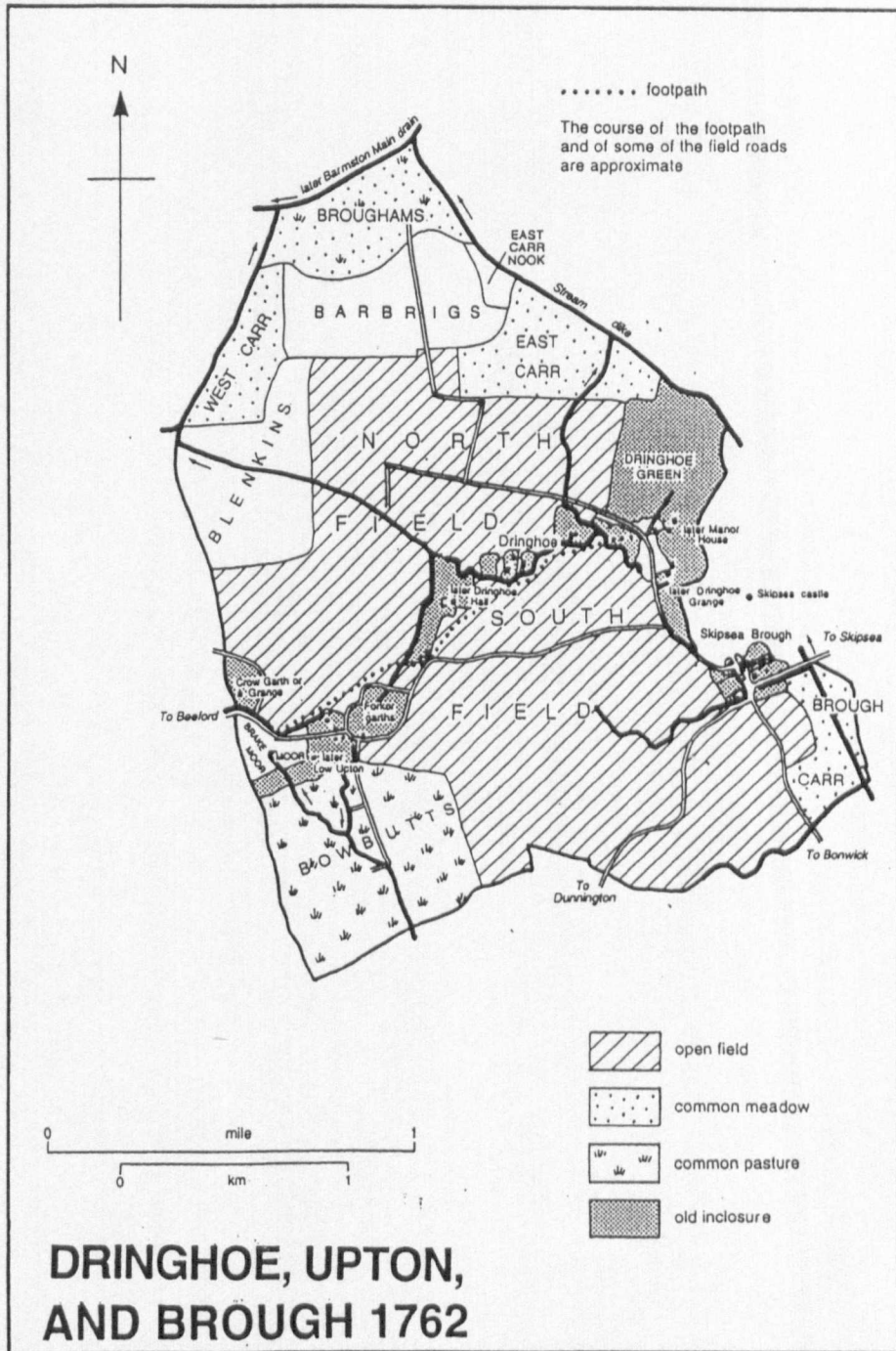


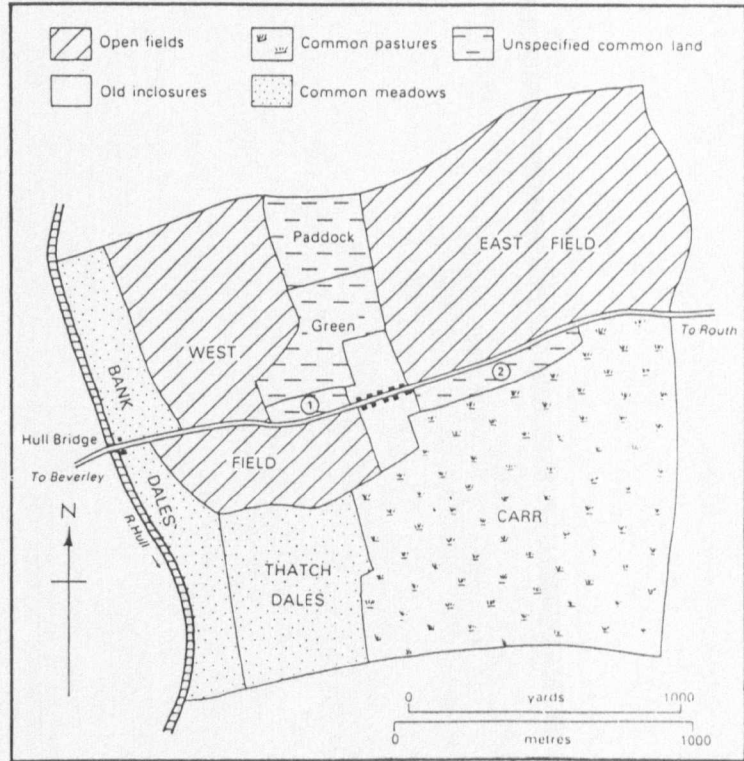
Figure 21



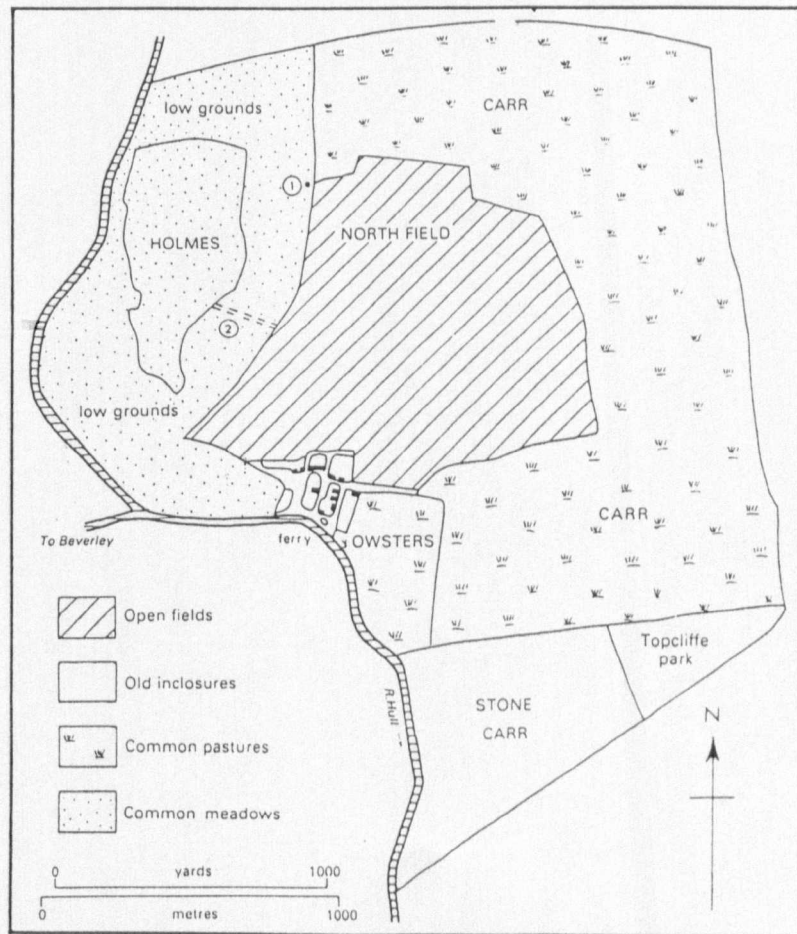








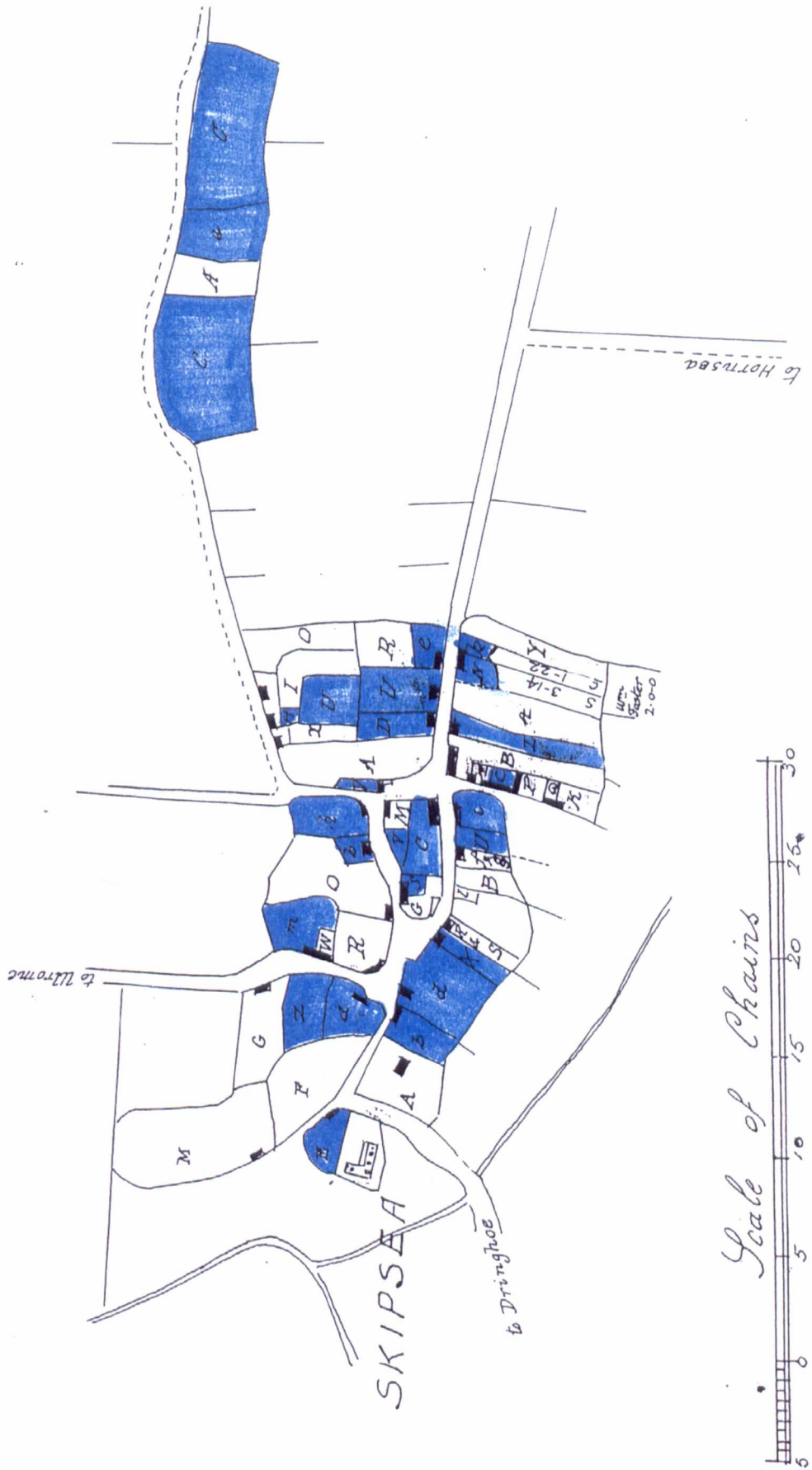
TICKTON BEFORE INCLOSURE IN 1664
 1. Green butts 2. Carr butts



WEEL IN THE EARLY 17TH CENTURY
 1. Wind pump 2. Causeway

The village garths of the township of Skipsea, 1764.
(Copyholds shown in blue).

Source: ERRAS, IA 147.



NOTES AND REFERENCES

To the chapter: Evidence of Copyholds in Holderness from 1750.

1. The maintenance of tenure was described, for example, in the following way, 'Allotted lands of the same tenure as the lands in lieu whereof such allotments are made'.
The Keyingham Enclosure Act, 42 Geo.III c.102, 1802, p.11, went on to say:
'... all such of the said Proprietors as are Copyhold Tenants of the said Manor of Burstwick, shall continue to be the tenants thereof, for Lands of equal Value with those to which they now stand admitted And such Lands, when allotted, shall be holden of the said Manor under such Rents, Tenures, Payments, Customs and Services, as are now due and payable for their present Copyhold Lands'.
2. Taken from the Keyingham Enclosure Act, as note 1, pp.8-9.
3. Notable examples found were: A schedule and particulars of copyhold lands at Keyingham, drawn up by James Iveson 1801, ERRAS, DDIV 8/1; a schedule of estates at Welwick, ERRAS, DDCK 32/10; the Burstwick and Lelley Awards, ERRAS, DDCK 32/9/2.
4. In the period 1750-80, the South Holderness manor court book entries rarely included a note of the area involved in each plot. Where areas did appear they were often quite nominal amounts, labelled, 'by estimation'. Hence a village garth would commonly be quoted at 'one steng' equivalent to one rood, or a quarter of an acre. Similarly a messuage might be described as containing 9 stengs, as at Easington, (Court book of Easington, Kilnsea and Skeffling 1756, ERRAS, DDCC(2)/81, p.70 LHS.) Closes were usually described as containing either whole acres or half-acres. Even odd sounding mixtures such as, '7½ acres and 5 stengs of land' frequently occur. When the enclosure surveyors made their maps, they were instructed to work in statute acres, roods and perches, and quite significant differences appeared, but even these areas often changed in the nineteenth century when remeasurements were made.
5. In the relatively rare cases of escheats, the Holderness lords of the manor usually re-tenanted the property as copyhold. In the general case, 'A copyhold must have been such time out of mind, and cannot be created within the time of legal memory'. Adkin, p.86. Adkin added that the Copyhold Acts had put a stop to the creation of copyholds by 1887.
6. ERRAS, DDCC(2)/42(1), p.158.
7. Poulson, Vol. II, p.357.
8. VCH V, p.7.
9. Ibid., p.7
10. Burstwick and Skeckling Enclosure Act, 13 Geo. III c.57, 1773.

11. Enrolled enclosure award dated 5 September 1777. RDB AX/433/12.
12. ERRAS, DDCC(2)/42/10, p.157.
13. Made up of 12a 2r 0p of copyhold in bondage and 71a 3r 14p of copyhold free. RDB AX/433/12.
14. It must be conceded that an element of the 324a 3r 15p may have been part of the old enclosures of the parish.
15. The report entitled, 'Wastes and Enfranchisements from Michaelmas 1775', was written by William Constable's steward, John Raines. ERRAS, DDCC 141/36.
16. One oxgang of copyhold in bondage land at Burstwick paid eighteen shillings rent per year, whilst an oxgang of copyhold free land paid only one shilling a year. ERRAS, DDCC(2)/42(1), p.157.
17. RDB AX/433/12.
18. VCH V, p.14.
19. The Burstwick and Lelley Award book. ERRAS, DDCK 32/9/2. Also repeated in the enrolled enclosure award RDB AX/433/12.
20. 13 Geo. III c.93, 1773.
21. Enrolled enclosure award dated 23 April 1811. RDB CQ/68/2.
22. VCH V, p.16.
23. Ibid., p.21.
24. 'Wastes and Enfranchisements from Michaelmas 1775'. ERRAS, DDCC 141/36.
25. ERRAS, DDCC(2)/42(1), p. 163.
26. 10 Geo. III c.93, 1770.
27. Enrolled enclosure award dated 8 January 1774. RDB AQ/297/27.
28. The figure of 1,300 acres quoted in the Enclosure Act included a triangular shaped piece of land called Dimlington Firth, of area 122a 3r 28p, and a strip of land being part of the East Field, known as Ten Chains along the cliff edge. Both these areas remained unenclosed after the award was made.
29. Easington Enclosure Act, 10 Geo. III c.92, 1770. A deed of enfranchisement made between the Crown and the Ecclesiastical Commissioners for England on 9 March 1894, included, 'Several parcels of land in the unenclosed lands of Easington called Ten

Chains'. It has not been possible to determine the area of these parcels of copyhold land. Source: PRO CRES 5/158, p.498.

30. These awards were usually quite small in South Holderness where only small areas of commons and wastes remained by the second half of the eighteenth century. At Easington, 'the right of the soil' awards were based on one-sixteenth part of the commons and wastes, producing 4a 0r 8p for William Constable, 17 perches for King George III, lord of the Manor of Thornton and 1a 3r 8p for the Rector.
31. ERRAS, DDCC 32/51.
32. The survey includes the name of Fountayne Wentworth Osbaldeston, who inherited his brother's estates and seat in Parliament representing Scarborough in 1776, amongst the Easington proprietors. F.W. Osbaldeston died in June 1770, leaving his Holderness estates to his nephew Humphrey Brook, who took the surname Osbaldeston and appears in the Easington enclosure award of March 1771 as H.B. Osbaldeston.
33. VCH V, p.27.
34. Court book of the Manor of Thornton 1801-1929, PRO CRES 5/158, p.60. This area is not included in the old enclosures of Easington in the map taken from the Victoria County History (Figure 3 on page 214).
35. Ibid., p.535.
36. The estimate for the area of a cottage and garth at one half of an acre is the average of 24 entries taken from the court books of the Manor of Easington, Kilnsea and Skeffling. The same source gave an average value of two acres for the area of a messuage and garth, also from 24 entries. The estimate of two acres for a close or garth of meadow and pasture ground, taken from the average of 22 entries in the same court books, applies only when they were located in the village garths. Almost all of the Marsh Closes of Easington were greater than two acres, and a number exceeded ten acres as shown in Table 5:9.
37. In the eighteenth and nineteenth centuries, the area was usually known as Dimbleton, but in modern times the name used is Dimlington. The modern name has been used throughout in this text unless quoting from a primary source.
38. ERRAS, DDCC 32/42.
39. Some measure of the rate of loss of land at Dimlington, where the cliffs reached their highest point above sea level in Holderness, may be calculated from the fact that in 1916, Harper Lamplugh, a corn merchant of Patrington, owned the whole of Dimlington Firth. The area was then measured at 84a 1r 14p, representing a loss of 38a 2r 14p in 145 years, equivalent to a land loss of one-quarter acre per year.
40. VCH V, p.28.
41. ERRAS, DDIV 28/2, p.1.

42. Court barons were usually held once a year, although the frequency varied from year to year. Three courts were held in each of the years 1812 and 1826, whilst there was a seven year gap between courts from 1816 and 1823.
43. See note 4 supra.
44. VCH V, p.21.
45. Enrolled enclosure award dated 4 May 1758. RDB Y/117/25.
46. RDB AH/126/4.
47. VCH V, p.31.
48. Ibid. p.33, see also Sir C. Clay, 'Notes on the early generations of the family of Constable of Halsham'. *Yorkshire Archaeological Journal*, No. CLVIII, 1960, pp.197-204.
49. VCH V, p.33.
50. ERRAS, DDCC(2)/43B(17).
51. VCH V, p. 40.
52. 33 Geo. III c.103, 1793.
53. Enrolled enclosure award dated 16 December 1797. RDB BT/364/50.
54. Ibid.
55. Necessary as the tithes of the old enclosures were to be commuted by an annual money rent, fixed at 19d. per acre. RDB BT/375/50.
56. ERRAS, DDCK 35/1(h).
57. ERRAS, DDCC 105/81, dated c.1806.
58. Two plots appear to have been sub-divided. Hence Humphrey Osbaldeston held plots 11 and 11(a), Sir Henry Etherington held plot 66 and Joseph Fallowfield held plot 66(a).
59. Although the VCH V, p.45, states, 'there are no surviving manorial court records' for Hollym, the University of Hull Library has a document (DDKG/63), apparently of late twentieth century origin, written in pencil, which appears to have copied out seven extracts from a court book of the Manor of Hollym. These are all copyholds in the open fields dating between 1778 and 1803.
60. Court books 1753-1921. ERRAS, DDCC(2)/85.

61. Enrolled enclosure awards for Hollym and Withernsea, 16 December 1797, RDB BT/377/50.
62. Three of the plots were sub-divided, hence plots 2 and 2a, 3 and 3a and 5 and 5a are shown on the map.
63. The VCH V, p.164, describes this land as an Intack of 73 acres but this area included two quite separate plots belonging to the heirs of Thomas Waterhouse, being numbers 9 and 19 on the enclosure plan. For which see RDB BT/377/50 and the copy of the enclosure plan ERRAS, DDCK 35/1(h).
64. VCH V, p.47, however, of the 1,903 acres quoted, 1,384 acres lay in the parish of Hollym.
65. Ibid., p.51.
66. 40 Geo. III c.43, 1800.
67. Enrolled enclosure award dated 8 June 1807. RDB CI/202/15.
68. RDB CI/202/15.
69. Enclosure map of Holmpton, ERRAS, DDCK 35/1(i).
70. ERRAS, DDHB 18/1.
71. VCH V, p.52.
72. ERRAS, DDCC(2)/85, Vol. 1753-1872, p.2 and p.11.
73. Enrolled enclosure award dated 20 February 1806. RDB CI/89/5, following an act of parliament passed in 1802.
74. Sources: VCH V, pp.58-59; enclosed award RDB CI/89/5 and a copy of the enclosure map of Keyingham supplied by Mr. M.H. Smith, for which see the following note 81.
75. VCH V, p.58.
76. Ibid., p.59.
77. RDB CI/89/5
78. ERRAS, DDCC(2)/42(1). Poulson obviously used this procedural book when writing his *History of Holderness* at Burton Constable in 1840. (Vol. II, p.415). The Victoria County History, in turn using Poulson as a source, surprisingly noted that he had quoted from, 'a now lost costumal'. (VCH V, p.61.)
79. Enrolled award dated 20 February 1806. RDB CI/89/5.
80. 42 Geo. III c.102, 1802.

81. This figure is taken from a copy of the enclosure map of Keyingham showing the village garths and listing the proprietors, and areas held. The whereabouts of this copy is not now known. It was seen and re-copied by Mr.M.H. Smith of Keyingham who kindly loaned his copy to the author. The reference for the archived enclosure map of Keyingham is ERRAS, DDCK 35/1(k).
82. See enclosure map DDCK 35/1(k), as in note 81.
83. ERRAS, DDIV 8/7. The document is not dated but bears a watermark of 1801. Some of Iveson's descriptions such as , 'A boon toft of yearly rent 10d.', belonging to R.C. Broadley, or, 'Three parcels of land and one-quarter of a parcel of a messuage, with buildings, rent upon every exchange 1s 2d.', of John Jackson, are now virtually impossible to identify.
84. ERRAS, DDX 92/4.
85. ERRAS, DDCC 141/25.
86. A figure quoted in the Manor of Burstwick procedure book, ERRAS, DDCC(2)/42(1), 1791, p.167.
87. A copy of the award archived at the Hull Central Reference Library was researched. Reference HCRL 12900/1840ka (Stock book No.B64311.)
88. VCH V, p.69.
89. G.T.J.Miles and W. Richardson, *A History of Withernsea*, 1911, p.95.
90. ERRAS, DDCK 32/20.
91. ERRAS, DDX 92/4. This total figure was the sum of the areas of the village garths, the North Marshes and the West Marshes only. See also VCH V, p.71.
92. HCRL 12900/1840ka. See also ERRAS, QDB8, Enrolment Book Vol. 8, p.40.
93. The 1840 enclosure map does have some tenures added in pen by a later hand, notably the initials 'CF' (copyhold free) against all of Henry Sykes's old enclosure plots. A number of plots held by John Clubley have an 'F' written in , which presumably stands for freehold.
94. The pre-enclosure map of Kilnsea, which accompanies the survey of 1818 (ERRAS, DDX 92/4), included the names of a number of closes in the North Marshes, eg. High Lees, Winclose Bottom, Sand Close, but unfortunately the term, 'a Seventeen Close' does not appear, either on the map or the schedule of plots. Information kindly supplied by Dr. J. E. Crowther.
95. S. & W., p.332.
96. HUL, DDSY 56/4.

97. Agreement reached 3 February 1758. Enrolled award dated 1 April 1760. RDB AC/45/2.
98. Court book of the Manor of Roos 1774-92. HUL DDCV 134/9 p.45 RHS.
99. VCH V, p.87.
100. The VCH V, p.94, states that South Frodingham and Newsome were enclosed by agreement in 1588, and much of the open land at Rimswell in 1615. This source also confirms, 'Nearly all the commonable land at Waxholme had been enclosed by the eighteenth century'.
101. Enrolled enclosure award dated 17 October 1815. RDB CQ/401/23.
102. Articles of agreement, 1 April 1818. RDB EU/355/370.
103. VCH V, p.94.
104. Ibid., p.90.
105. Ibid., p.90.
106. Ibid., p.92.
107. Court book of the Manor of Roos 1860-1935. HUL DDCV 134/16 p.795.
108. RDB 384/450/370.
109. ERRAS, DDCC(2)/42(1), 1791, p.174.
110. ERRAS, DDCC 141/25.
111. Enrolled enclosure award dated 17 October 1815. RDB CQ/401/23.
112. 46 Geo. III c.10, 1806.
113. RDB CQ/401/23.
114. Enclosure map of Owthorne, HUL DDKG/187.
115. This includes the two farms Foothead Garth and England Hill. Source: HUL, DDKG/187.
116. ERRAS, DDCC(2)/84.
117. ERRAS, DDCC(2)/85.
118. Court rolls of the Manor of Roos 1760-79. HUL DDCV 134/7-8, and court book DDCV 134/9

119. 6 Geo. III c.53, 1766.
120. The enclosure award, enrolled 2 September 1768, RDB AK/98/8, quoted an area of 2,092a 2r 16p. The author's figure of 2,042a, which is in agreement with the VCH V p.104, refers to land awarded to individuals. The additional 50 acres in the award must refer to roads and drains laid out by the commissioners.
121. VCH V, p.101.
122. Ibid., p.102.
123. RDB AK/98/8.
124. RDB AK/98/8.
125. RDB AK/98/8.
126. RDB AK/190/11.
127. VCH V, p.103.
128. RDB AK/190/11. In the eighteenth and early nineteenth centuries, Patrington village was usually spelt with a double 't', rather like its neighbour Ottringham.
129. The assistance of Mr. J. Robinson of Patrington is acknowledged in this task of identification.
130. VCH V, p.111.
131. Enrolled enclosure award dated 17 May 1758. RDB Y/142/27.
132. VCH V, p.122
133. Enrolled enclosure award dated 8 April 1823. RDB DQ/3/1.
134. ERRAS, DDCC(2)43B(17).
135. Court rolls of the Manor of Roos 1760-79. HUL DDCV 134/7.
136. VCH V, p.128.
137. 4 Geo. III c.18, 1764.
138. Enrolled enclosure award dated 3 February 1767. RDB AH/126/4.
139. VCH V, p.130.
140. Ibid., p.130.

141. VCH V, p.131.
142. The lion's share of Winsetts was owned by Sir William Milner with 123 acres of freehold land. The only plots of copyhold land identified in this part of the parish were, the Rev. John Clarke with, 'a close of meadow or pasture ground called a Foss', containing 1a 3r 35p, John Brough with 6a 2r 7p, 'in the Marshes', and two plots totalling 27a 1r 0p held by Marmaduke Prickett at the western end of Winsetts.
143. Calculated from the enclosure map, ERRAS, IA, for which also see the VCH V, p.133.
144. HCRO, DMS 4/4. This plan is particularly helpful as it marks the tenure of a number of plots in the old enclosures.
145. VCH V, p.135.
146. The VCH V, p.135 states that 133 acres at the east end of the island were embanked in the period 1964-69.
147. Information ex Mr. W. D. Avery of Ottringham.
148. VCH V, p.141.
149. Enrolled enclosure award dated 7 May 1771. RDB AN/34/5.
150. 8 Geo. III c.39, 1768.
151. VCH V, p.142.
152. Ibid., p.143.
153. Ibid., p.144
154. RDB AN/34/5.
155. RDB AN/78/5.
156. ERRAS, DDCK 32/10. The schedule has been written by an unknown hand, but the date of '9 feb.1771' and several other annotations in the document, are clearly the additions of James Iveson (1770-1850).
157. Excluding Welwick Thorpe, Ploughland and some parts of Penthorpe.
158. PRO, CRES/5/490, p.300.
159. Letter from Thomas Holden junior from Hull, 3 September 1855. PRO, MAF 20/104. See also enfranchisements of the Manor of Holmpton, PRO MAF 9/363, Nos.953, 961
160. A third area, in Enholmes Close, was also held of the Manor of Holmpton in Welwick parish. This area of 9a 2r 14p was held by John Clubley in 1771 and is included in the

- 62a 2r 30p previously mentioned.
161. VCH V, p.153.
 162. Ibid., p.153.
 163. VCH V, p.149, quoting the Ordnance Survey map, 6", Yorks, CCXLII (1855 edition) as a source.
 164. See copyhold enfranchisements, ERRAS, DDCC 111/38.
 165. For which see E. & R.C. Russell, *Landscape Changes in South Humberside. The Enclosures of Thirty-seven Parishes*, 1982.
 166. RDB AK/98/8.
 167. RDB AQ/29/27.
 168. '...it must be remembered that even before enclosure the majority of cottagers had no rights of common. Such rights did not belong to every villager but were attached to open-field holdings or certain cottages,...' An extract from J.D.Chambers and G.E.Mingay, *The Agricultural Revolution 1750-1880*, 1966.
 169. O. S. Map 6", Yorks, sheets 212 and 213, (1855 edn.).
 170. Ibid.
 171. Enclosure map of the township of Aldbrough 1764. ERRAS IA3. A copy of the award is contained in ERRAS DDPK 29/2.
 172. 4 Geo III c.39, 1764.
 173. RBD AH/1/1. see also ERRAS DDPK 29/2.
 174. The copyholder, Betty Ann Jarratt was a minor, under the age of twenty-one. The award commented that her ownership of two oxgangs of copyhold land had been omitted by error in the preamble of the Act.
 175. Information taken from a list of tenants of the Manor of Roos contained in the court book of the manor, 1935. ERRAS DDCV 134/17.
 176. O.S. Map 6", Yorks, sheet 212, (1855 edn.)
 177. Court rolls Manor of Roos, 1760-67. ERRAS DDCV 134/7.
 178. Neave, appendix A, p.69.
 179. Also included in the parish of Aldbrough was a part of the township of Little Cowden, located in the North Division of Holderness. This township, together with Great Cowden is dealt with in the section dealing with the North Division.

180. S. & W., p.358.
181. Enclosure Act 10 Geo. III c.71, 1770 and the enrolled award dated 22 August 1772. RDB AQ/46/6.
182. In 1856 the township of West Newton, containing 778 acres, was said to be entirely, 'in the possession of the Lord of the Seignior, Sir Thomas Aston Clifford Constable'. Source: S.& W., p.358.
183. VCH V, p.10.
184. ERRAS DDCK 32/5. In the Southern Division of Holderness the four enclosures by agreement, namely Out Newton 1756; Thorngumbald 1757; Ottringham 1758 and Rimswell 1818, only involved freeholders.
185. Information ex Dr.J.E. Crowther.
186. Enrolled enclosure award dated 22 May 1765. RDB AF/34/7.
187. 'It was testified by Henry Waterland ... John Smallwood, marriner, and heir of Thomas Smallwood late of Whitby gent deceased, came otherwise without the court 8 June 1751 and surrendered 3 acres and 3 stengs of meadow or pasture ground, formerly arable land and now inclosed out of the South Field of Burton Pidsea...'
Source: Court book of the Manor of Burstwick 1747-61, ERRAS DDCC(2)/80, p.57 RHS. See also entries in the same court book on pages 88 LHS and 194 LHS.
188. ERRAS, DDCK 32/5, formerly archived under DDCK Box 9.
189. ERRAS, DDCK 32/5.
190. Sources: Court book of the Manor of Burstwick 1747-61, ERRAS DDCC(2)/80; enrolled award RDB AF/34/17; enclosure map and schedule of the old enclosures of Burton Pidsea, ERRAS, DDCK 32/5.
191. VCH I, p.460.
192. See M. E. Ingram, *Drypool*, 1959, p.36; and T. Blashill, *Evidences Relating to East Hull*, 1903, pp.77-78 and RDB B/250/47.
193. Enrolled enclosure award dated 4 March 1748. RDB B/250/47.
194. Neave, p.54, also enrolled enclosure award dated 13 May 1758. RDB Y/124/26.
195. S. & W., p.360.
196. Information ex Dr.G.H.R. Kent
197. Neave, appendix A, p.69.

198. Hedon's first charter granted by Henry II to William le Gros, lord of Holderness on behalf of the burgesses, has been lost but is mentioned in a confirming charter granted by King John in 1200.
199. See J.R.Boyle, *The Early History of the Town and Port of Hedon*, 1895, pp.44-54.
200. Confirmed by James Iveson, Town Clerk of Hedon, when giving evidence to the Municipal Commissioners, 30 November 1833, for which see a report in the *Hull Advertiser*, 6 December 1833.
201. ERRAS, DDCC(2)/42(1)1791, p.124.
202. ERRAS, DDCC(2)/80.
203. Boyle, *The Early History*, pp.214-227.
204. *Ibid.*, pp.225-227.
205. ERRAS, DDCC(2)/8.
206. A survey of Hedon 1804 by John Iveson and Enoch Taylor, is reproduced in Boyle op. cit., pp.198-213, and the Baker survey of Hedon 1838, a copy of which is archived at the Hedon Museum.
207. 1889, *The Register of Persons Entitled to Vote... for the Parliamentary Division of Holderness in the East Riding of the County of York between 31 December 1888 and 1 January 1890...* and *Register of Voters, Holderness Division. Hedon Polling District. (District1)*. 1911, Beverley, printed by Green and Son, "Guardian Office".
In 1889 resident's entitlement to vote was usually described in terms of either freehold or copyhold land or house. In the case of Hedon, only 'freehold house' or 'dwelling house' appears against each person.
208. VCH V, p.168.
209. O.S. Map 6", Yorks, CCXXVIII (1855 edn.)
210. Neave, appendix B, p.72.
211. O.S. Map 6", Yorks, CCXXVII (1855 edn.).
212. In the eighteenth and nineteenth centuries, the village name was usually spelt, Elsternwick. The modern version Elstronwick is used here except when quoting from a primary source.
213. O.S. Map 6", Yorks, CCXXVII (1855 edn.).
214. Neave, appendix B, p.72. Humbleton is included in the list of townships for which no date of enclosure has been found.

215. A.M.W. Stirling, *The Hothams*, Vol. II, p.351.
216. Poulson, Vol. II, p.70.
217. O.S. Map 6", Yorks, CCXXVIII (1855 edn.)
218. Enrolled enclosure award dated 12 February 1735. RDB N/436/907.
219. S. & W., p.371.
220. ERRAS, DDCC 39/3-4. See also Neave, appendix A, p.69.
221. ERRAS, DDX 595/141.
222. Poulson, Vol. II, p.78.
223. O.S. Map 6", Yorks, sheet 212, (1855 edn.).
224. Poulson, Vol. II, p.76.
225. ERRAS, DDCC 142/4. Mrs Neave appears to be in error when she quoted 114 oxgangs 12 acres for the area enclosed.
226. Enrolled enclosure award dated 23 December 1752. RDB B/381/55.
227. O.S. Map 6", Yorks, CCXXVII (1855edn.).
228. ERRAS, DDCC(2)/42(1)1791, p.145.
229. Enrolled enclosure award dated 24 February 1814. RDB CQ/218/15.
230. 46 Geo. III c.9, 1806.
231. Ibid., p.1.
232. Ibid., p.1.
233. Volume entitled, 'Manor of Burstwick 1810'. ERRAS DDCC 15/367.
234. The plots were numbered 1 to 37 on the enclosure map, but two plots held by John Bell were sub-divided into 16 and 16A, and 17 and 17A. ERRAS, DDCK 35/1(l).
235. S. & W., p.371.
236. VCH I, p.464.
237. 3 Geo. III c.30, 1763.
238. See H.F. Howard, *An Account of the Finances of the College of St. the Evangelist in the University of Cambridge 1511-1926*, 1935, p.292.

239. Enrolled enclosure award dated 3 June 1765. RDB AF/122/8.
240. VCH I, p.465.
241. O.S. Map 6", Yorks, CCXXVIII (1855 edn.).
242. A. Harris, *The Rural Landscape of the East Riding of Yorkshire 1700-1850*, 1961, p.44. See also Neave, appendix A, p.70.
243. Court book entries, the Manor of Burstwick; ERRAS, DDCC(2)/80: Vol. 1761-72, p.119 LHS and Vol. 1795-1804, p.177.
244. VCH V, p.186.
245. Ibid.,p.10.
246. ERRAS, DDCC(2)/42(1)1791, p.123.
247. 13 Geo. III c.86, 1773.
248. Enrolled enclosure award dated 8 January 1777. RDB AX/92/4.
249. The award states a total of 4,373a 2r 12p but this includes the unenclosed Salt End of the Hay Marsh and allowances for roads, drains and a town gravel pit.
250. Specific entries identifying the Salt End of the Hay Marsh did not appear until June 1777.
251. 'Enfranchisements of copyhold estates held of the several manors of William Constable esq.'. ERRAS, DDCC 111/38.
252. In the award, Francis Bielby received 321a 2r 22p and Joseph Williamson 342a, 3r 17p in lieu of tithes. On a proportional basis, this would have equated to about 166 acres of copyhold land.
253. The enclosure maps of Preston studied were ERRAS, IA and DDCK 51/1/(f), and also an enlargement of the central section of the village, HUL, DDKG/190.
254. VCH V p.10 and p.141.
255. Enclosure Act 8 & 9 Geo. III Sess.2, c.47, 1769 and enrolled enclosure award dated 11 September 1770. RDB AK/312/9.
256. John Champney, the lessee of the Subdean of St. Peter's, York received a total of 70a 2r 13p in lieu of tithes, which by proportion would equate to about 33 acres of copyhold land lost. The lord of the manor received an award of land valued at five shillings in lieu of his 'right of soil'.
257. Lelley enclosure map, HUL, DDKG/185.

258. ERRAS, DDCK 32/9/2.
259. O.S. Map 6", Yorks, CCXXVIII (1855 edn.)
260. Roos Enclosure Act 23 Geo. III c.17, 1783 and enrolled enclosure award, dated 18 April 1787. RDB BG/103/9.
261. RDB BG/103/9.
262. See the map, 'Roos divided and enclosed 1784' by the surveyor William Hildyard, archived together with the original enclosure award. ERRAS, PE 44/32.
263. ERRAS, PE 44/32.
264. Sources: The original enclosure award, ERRAS, PE 44/32; a copy of the Roos enclosure map HUL DDKG/191; the court books of the Manor of Roos, HUL DDCV 134/7-9 covering the years 1760-92 and from enclosure notes kindly loaned by Dr.J.E. Crowther.
265. O.S. Map 6", Yorks, CCXXVII (1855 edn.).
266. The award of 1763 followed an Enclosure Act of 2 Geo. III c.44, 1762.
267. Enrolled enclosure award dated 17 May 1763. RDB AC/221/10.
268. The survey of the old enclosures of Sproatley, ERRAS, DDCC(2)12/2.
269. ERRAS, DDCC(2)/80. Vols. 1747-61 and 1761-82.
270. VCH I, p.470.
271. Blashill, *Sutton-in-Holderness*, 1896, p.251 shows different acreages, namely 4,236 acres for the open fields of Sutton and 534 acres for the 'old enclosures in Sutton and Stoneferry'.
272. *Ibid.*, p.261, quoting from the last court rolls of the Manor of Sutton dated 1834.
273. *Ibid.*, p.259.
274. Enrolled enclosure award dated 5 January 1768. RDB AK/228/20.
275. S. & W., included Burton Constable in the parish of Swine, and within the township of Ellerby were the hamlets of Dowthorpe, Longthorpe, Owbrough and Woodhall.
276. Enrolled enclosure award dated 31 August 1790. RDB BG/291/39.
277. Enrolled enclosure award dated 11 July 1763. RDB AC/255/11.

278. S. & W. p.395.
279. Ibid., p.395.
280. O.S. Map 6", Yorks, CCXXVIII (1855 edn.).
281. Tunstall Enclosure Act 17 Geo. III c.30, 1777, and enrolled enclosure award dated 12 July 1779. RDB BB/134/17.
282. ERRAS, DDHE 39/1.
283. RDB BB/134/17.
284. Ibid.
285. ERRAS, DDHE 39/1.
286. In the eighteenth and nineteenth centuries, Wawne was commonly referred to as Waghen.
287. O.S.Map 6", Yorks, CCXI (1855 edn.).
288. HUL, DDKG/131.
289. Information from, 'A survey and plan of the lordship of Waghen... The property of John Windham Bowyer (sic) Esq., 1773'. HUL DDWI/103.
290. HUL,DDWI/105.
291. Poulson, Vol. II, p.282.
292. S.& W., p.396.
293. Enclosure secondary sources consulted were: Neave, B. English, *Yorkshire Enclosure Awards*, 1985 and W.E.Tate and M.E. Turner, *A Domesday of English Enclosure Acts and Awards*, 1978.
294. O.S. Map 6", Yorks, sheet 180, (1855 edn.).
295. Information ex Dr.G.H.R. Kent.
296. Enrolled enclosure award dated 16 July 1773. RDB AQ/221/20.
297. S. & W., p.401.
298. Information ex Dr.G.H.R. Kent.
299. HUL, DDWB 2/33.

300. Enclosure Act for Barmston and Winton, 59 Geo. III c.29, 1819 followed by the enrolled enclosure award dated 27 December 1820. RDB DA/318/59. See also Barmston enclosure map 1819, ERRAS, PE 6/32.
301. O.S. Map 6", Yorks, sheets 163 and 180, (1855 edn.).
302. 6 Geo. III c.28, 1766. See also ERRAS, AP 3/8.
303. Enrolled enclosure award dated 11 June 1768. RDB AK/57/16.
304. Poulson, Vol. I, p.256.
305. See R.W. Hoyle, 'An Ancient and Laudable Custom: The Definition and Development of Tenant Right in North-Western England in the Sixteenth Century'. *Past and Present*, No. 116, August 1987, pp.24-55.
306. 6 Geo. III c.28, 1766, p.5.
307. ERRAS, IA.
308. HUL, DDCV 10/1.
309. A notebook survives for the manor listing tenants' names and lives remaining c.1865. HUL, DDCV 121/20. For tenancies for life see Adkin, p.48.
310. HUL, DDCV 121/5-6.
311. HUL, DDCV 120/12.
312. Information ex Dr.G.H.R. Kent.
313. Lissett Enclosure Act, 11 Geo. III c.41, 1771 and enrolled enclosure award dated 17 November 1772. RDB AN/391/27.
314. Poulson, Vol. I, p.263.
315. O.S. Map 6", Yorks, sheet 196, (1855 edn.).
316. Information ex Dr.G.H.R. Kent. See also S. & W., p.406.
317. ERRAS, DDX 547/3.
318. Information ex Dr.G.H.R. Kent.
319. Corporation of London Records Office, Emanuel Hospital Box 5.31. The assistance given by Mr J.R. Sewell, the City Archivist, is acknowledged.
320. 7 & 8 Vict. c.4, 1844.
321. *Ibid.*, p.24, para. 65.

322. Ibid., p.28, para.72.
323. Enrolled enclosure award dated 12 January 1847. RDB GI/1/1.
324. O.S. Map 6", Yorks, sheet, 196, (1855 edn.).
325. 4 Geo. II c.16, 1731.
326. Enrolled enclosure award dated 22 March 1732. RDB B/57/24.
327. O.S. Map 6", Yorks, sheet 179, (1855 edn.).
328. Information ex Dr.G.H.R. Kent.
329. 41 Geo .III c.87, 1801 for which see ERRAS, AP 3/57.
330. Enrolled enclosure award dated 15 February 1808. RDB CI/273/20.
331. RDB CI/286/20.
332. RDB CI/304/20.
333. A total amount stated in a note written by a Joseph Treffen (?), on 29 May 1865, HUL, DDCV 120/12.
334. O.S. Map 6", Yorks, sheet 197, (1855 edn.).
335. Information ex Dr.G.H.R. Kent.
336. O.S. Map 6", Yorks, sheet 197, (1855 edn.).
337. Information ex Dr.G.H.R. Kent.
338. Neave, appendix A, p.69.
339. Enrolled enclosure award dated 19 April 1809. RDB CI/345/27.
340. O.S. Map 6", Yorks, sheet 197, (1855 edn.).
341. Neave, appendix A, p.69.
342. Court book, Manor of Hornsea, HUL, DSJ/47, Vol. 'R', 1923-41, pages 440, 485 and 619.
343. Enclosure maps used were ERRAS, DDCK, parcel 4 and HUL, DDKG/179.
344. HUL, DSJ/34, DDCV 82/5 and DDCV 84/4.
345. O.S. Map 6", Yorks, sheet 196, (1855 edn.).

346. Information ex Dr.G.H.R. Kent.
347. 31 Geo. III c.56, 1791.
348. Enrolled enclosure award dated 16 September 1796. RDB BT/182/24.
349. 'No date of enclosure has been found for Hempholme'. Neave, appendix B, p.72.
350. RDB BT/182/24.
351. ERRAS, IA.
352. Court book of the Manor of Leven, 1747-82, HUL, DSJ/50; court rolls Manor of Leven Rectory 1775-1931, HUL, DDCV 102/1.
353. S. & W., p.422.
354. 11 Geo. III c.92, 1771.
355. Enrolled enclosure award dated 21 December, 1778. RDB BB/73/13.
356. S. & W., p.424.
357. Enclosure Act of Great Cowden, 10 Geo. III c.90, 1770.
358. Enrolled enclosure award dated 24 October 1772. RDB AQ/61/8.
359. Copy of Mappleton enclosure, ERRAS, DX/17.
360. Rowleston's enclosure came under the terms of the General Enclosure Act of 1836. Copy of the enclosure award dated 6 August 1860. ERRAS, DX/20.
361. O.S. Map 6", Yorks, sheet 180, (1855 edn.).
362. 'No date of enclosure has been found'. Neave, appendix B, p.72.
363. Nunkeeling Enclosure Act 13 Geo.II c.16, 1740. Enrolled enclosure award dated 20 April 1741. RDB B/131/41.
364. Poulson's copy of the award list (see Vol. I, p.390), with its total of 1,002a 4r 2p (sic) is quite inaccurate.
365. Neave, appendix A, p.71.
366. Information ex Dr.G.H.R. Kent.
367. O.S. Map 6", Yorks, sheet 212, (1855 edn.).
368. O.S. Map 6", Yorks, sheet 211, (1855 edn.).

369. Neave, appendix A, p.71.
370. O.S. Map 6", Yorks, sheet 197, (1855 edn.).
371. S. & W., p.430. The acreage of the parish quoted by Sheahan and Whellan at 6,319 acres is considerably greater than the Ordnance Survey value.
372. 'No date could be found for the enclosure of Great Hatfield'. Neave, appendix B, p.72. Seaton was enclosed in 1657, as recorded by the Rev. John Garnett, rector of Sigglesthorne in 1712, for which see Neave, appendix A, p.70.
373. 'A true Survey and Flattment of the lordship of Little Hatfield ... being the Hereditary Estate of Jno. Greame as Surveyed in the month of July and divided for an Enclosure in the month of November Anno Dmi 1717. Done by Jno. Carr'. HUL, DDLG 22/22. In the enclosure 942 acres was divided up and allotted to individuals.
374. The c.1730 enclosure of Catfoss appears in N. Wright, *History of Sigglesthorne*, 1966, p.56.
375. Sigglesthorne Enclosure Act 12 Geo. III c.1772. Enrolled enclosure award dated 5 June 1781. RDB BB/264/32.
376. Court book of the Manor of North Frodingham. An indenture of enfranchisement between W.F. Bethell, lord of the manor and J.B. Harrison. HUL, DDCV 121/9, Vol. 'G', p.150.
377. O.S. Map 6", Yorks, sheet 180, (1855 edn.).
378. S. & W., p.437.
379. Information ex Dr.G.H.R. Kent.
380. 'No date has been found for the enclosure of Bonwick'. Neave appendix B, p.72.
381. Dringhoe, Upton and Skipsea Brough Enclosure Act, 2 Geo. III c.45, 1762.
382. Enrolled enclosure award dated 6 April 1763. RDB AC/178/9.
383. RDB AC/178/9.
384. 4 Geo. III c.17, 1764.
385. Enrolled enclosure award dated 18 March 1766. RDB AF/180/9.
386. Ibid.
387. ERRAS, IA 44

388. RDB AC/178/9. The list of these cottage owners is also repeated in the court book of the Manor of Skipsea, ERRAS, DDCC(2)/83, p.55 RHS.
389. 'Copy of Explanation on a plan of Skipsea in the possession of Mr. George Cammidge of Skipsea shewing the ancient enclosures'. Schedule archived with the enclosure map of Skipsea, ERRAS, IA 147.
390. All c.21 acres were held copyhold of the Manor of Skipsea. A search through the court book of the Manor of Cleeton (ERRAS, DDCC(2)/82) drew a blank on property held of that manor in the old enclosures of Skipsea.
391. See S. & W., pp.298-300.
392. Court book of the Manor of Beverley Water Towns, ERRAS, DDX 673/1, Vol. 1775-92.
393. VCH VI, p.304.
394. Ibid., p.302.
395. These details are repeated in the enrolled enclosure award for Tickton Carr dated 5 April 1792. RDB BG/329/47.
396. Tickton Carr Enclosure Act 30 Geo. III c.44, 1791.
397. 'Particulars of the Freehold Estates at Beverley Parks, Beverley, Tickton, Weel, Woodmansey, Thearne, Hull-Brigg and Cottingham and the Manor of Beverley Water Towns: To be sold in lots at the Tiger Inn, Beverley, 21, 22, 23 January 1805'. ERRAS, DDBV 55/8.
398. RDB BG/329/47.
399. O.S. Map 6", Yorks, sheet 211, (1855 edn.).
400. 25 Geo. III c.48, 1785.
401. Enrolled enclosure award dated 25 July 1786. RDB BG/95/5.
402. ERRAS, DDBV 55/8.
403. Court book of the Manor of Beverley Chapter, 1785-1827. HUL, DDCV 16/2.
404. O.S. Map 6", Yorks, sheet 196, (1855 edn.).
405. Mrs. Neave makes no mention of Eske in her *Handlist*.
406. Poulson, Vol. I, p.482.
407. Ulrome is also written as Oworm, a form which appeared in the title of the Act of Enclosure, 5 Geo. III c.9, 1765.

408. S. & W., p.438.
409. O.S. Map 6", Yorks, sheet 180, (1855 edn.).
410. Information ex Dr.G.H.R. Kent.
411. Enrolled enclosure award dated 3 August 1767. RDB AH/331/9.
412. ERRAS, DDCC(2)/13. A copy also appears in Poulson, Vol. I, opposite p.232.
413. Court book of the Manor of North Frodingham, HUL, DDCV 121/11, Vol. 'I', 1923-37, p.99.
414. O.S. Map 6", Yorks, sheet 212, (1855 edn.).
415. Information ex Dr.G.H.R. Kent.
416. Enrolled enclosure award dated 8 March 1814. RDB CQ/245/16.
417. The VCH does record that some of these old enclosures did possess 'bond tenants' in Tudor times, e.g. Halsham in the 1570s; and at Burstwick and Skeckling, 'In 1521-2 there were many bondsmen, "of good substance" on the manor. Sources: VCH V, p.36 and 15 respectively.
418. Poulson, Vol. II, p.369.
419. VCH V p.16, quoting from ERAS, DDCC(2)/Box 8, 'Farms 1774'.
420. See VCH V, p.36.
421. Ibid., pp.58-59.
422. RBD AK/190/11.
423. Information ex Dr.G.H.R. Kent.
424. ERRAS, PE 44/32.
425. Information ex Dr.G.H.R. Kent.
426. Ibid.
427. HUL, DDWB 2/33.
428. Information ex Dr.G.H.R. Kent

CHAPTER 6

THE END OF COPYHOLDS

The purpose of chapter five was to show in quantitative terms the extent of copyhold tenure in Holderness at some early starting point. The total copyhold acreage identified in chapter five must be considered to be a minimum figure because a lack of documentary evidence in some areas, for example the closes of Dimlington in the parish of Easington, the Salt End of the Hay Marsh in the parish of Preston and the old enclosures of Hollym and Ulrome, make the complete identification of all the copyholds virtually impossible.

The task in chapter six is to plot the disappearance of those identified copyholds, principally in the arable, meadow and pasture lands, located in the former open fields of eighteenth century Holderness, and to establish a time scale for their disappearance. Whilst the legal end of copyhold tenure on 31 December 1925 is an obvious end point in time, it took another 25 years for the Holderness lords of the manor to finalise all claims and receive compensation for their manorial incidents. This exercise, therefore, extends past 1925 and covers the period of negotiated compensation agreements made between the various lords of the manors and their former copyhold tenants.

Copyholds could be extinguished in a variety of ways depending on type. In the case of copyholds for years, or the more common copyholds for lives, the tenure died at the end of a specified number of years, or on the death of the last named life. The estate then returned to the lord, who could add any land to his demesne. This reversion to the lord was claimed by Allen to be a contributory factor towards, 'the real collapse of yeoman agriculture', in the eighteenth century. ¹ In fairness Allen should have mentioned that copyholds for years were quite an uncommon form of tenure in England, ² and with copyholds for lives, additional lives could be purchased, prolonging the copyhold in theory, indefinitely. ³ The only case of a custom of copyhold for life in Holderness

occurred in the Manor of North Frodingham, and even there, when the last life fell, the estate was always offered to the legal heir of the last owner, who was then admitted as the new copyholder, albeit being required to pay a stiff 'composition fine' on entry, to the lord. ⁴

In the eighteenth century, Holderness copyholds were, to all intents and purposes, copyholds of inheritance. Extinguishment of these could be achieved in one of two main ways. First the lord and tenant could agree terms for the tenant to buy out the copyhold, a process known as enfranchisement under common law. In 1797 Watkins defined enfranchisement as:

'The changing of the tenure from base to free, and is effected by, the lords conveying to the tenant the freehold of the particular specified premises which were held by copy, or by releasing to the tenant his seignorial rights'. ⁵

With enfranchisement, the lord was simply selling the freehold to the tenant, but it also released the tenant from the onus of performing the manorial suits and services. ⁶ The process had to be voluntary on the part of both parties, and like freehold conveyances, the transaction had to be registered in the East Riding Registry of Deeds.

The second method of extinguishing a copyhold was for the lord of the manor to buy out the tenant's interest in the estate. Legally speaking this purchase was not an enfranchisement as the lord could, if he so wished, renew the copyhold with another tenant. As Shelford pointed out, 'A conveyance or release by a copyholder of his interest to the land is not an enfranchisement but an extinguishment of tenure'. ⁷ The purchase of copyhold lands from a tenant by a lord in order to add to his demesne, or to let out on rack rent terms, did occur in a number of Holderness manors in the period under examination, but was not a widely spread phenomenon. Henry Maister's purchase of 121 acres at the Patrington enclosure 1768; ⁸ William Constable's purchase of land at Burstwick prior to the enclosure in 1777 (see chapter five, p.118);

the Rev. Christopher Sykes's purchase of 82 acres at Roos between 1818 and 1824;⁹ Sir T.A.C. Constable's acquisition of 152 acres from Henry Sykes at Kilnsea in 1843¹⁰ and Thomas Crust, the Beverley lawyer who became lord of the Manor of Roos in 1871, purchasing 182 acres between 1871 and 1877,¹¹ are the main examples.

In theory, a third method of extinguishing copyholds was possible. When no heir came forward to claim a copyhold, or a copyholder failed to pay his quit rent, or did not attend court to carry out the required 'suits and services', or 'caused waste' in the case of copyhold in bondage (see Glossary) the lord could seize the estate as an escheat. In practice, almost all the escheats recorded in the Holderness manor court books concerned cottages or small garths in the old enclosures. These were invariably regenerated as copyholds when a new tenant would come forward to be admitted and pay the necessary fine.¹²

Voices began to be expressed against the continuation of copyhold tenure before the end of the eighteenth century. One outspoken critic was Watkins, who wrote in 1797:

'...it must be evident that though the principles on which the doctrine of copyholds is founded were originally wise in themselves, yet that many of them are obsolete, and many forgotten. The necessity and even propriety of their continuance has ceased to exist. We have no villeins, thank God! And the laws which could relate to villeins ought, therefore, to be swept away... The principles which originated in barbarism, cannot meet the wants of an improved and refining age. If everything desirable cannot be effected, it does not follow that we ought, therefore, to do nothing. If an immediate and universal enfranchisement of copyholds cannot be accomplished, an enfranchisement may be effected partially and by degrees'.¹³

Watkins went on to suggest that an act of parliament should be passed which would force all lords to enfranchise in return for, '... so many years average of seignorial emoluments'.

The advocates of agricultural improvement also spoke out against copyholds, pointing out the restrictions inherent in the tenure which barred progress,¹⁴ and Arthur Young,

although he did not mention copyholders specifically by name, may have had that class in mind when he railed against tenants paying low rents.¹⁵ In the main, however, the principal argument of the abolitionists was that copyhold was an outdated tenure which had its roots in a form of servitude that had long since disappeared, and which still retained some unacceptable conditions in an enlightened age. In this, the practice of paying heriots was deeply resented wherever it existed. Later in 1853, Shelford quoting from a Real Property Commissioners' report to Parliament said:

‘Heriots are a reproach to the law of England and must be considered as a remnant of that barbarous state of society which existed at their introduction by the Danes’.¹⁶

Opposed to the views expressed by Watkins and other like-minded abolitionists, was a strong body of opinion in the counties. Writing ten years after Shelford, Cuddon listed the reasons behind the opposition to any change in the tenurial status quo:

‘This opposition was threefold. Firstly from stewards of manors, who, reasonably enough, apprehended that their just right to a fair compensation might be questioned. Secondly, from powerful lords of manors, possessing manorial rights over property of great prospective value; and, thirdly from several leading politicians, on the ground that an enfranchise bill would greatly extend the county franchise’.¹⁷

All three opposition points would have had some relevance in Holderness where the Ivesons of Hedon, in particular, acting as understewards for the Constable manors, made a handsome profit from their courtwork.¹⁸ Secondly, Holderness was rich in sand and gravel deposits and thirdly the franchise of a forty shilling freeholder was zealously guarded in an age when bribery and corruption was rampant at election times.¹⁹

The status quo position regarding copyholds remained intact throughout the period of the Napoleonic wars and the agricultural depression of the 1820s. Eventually, the third argument of the status quo faction was somewhat weakened by the passing of the Great Reform Act of 1832. In this act, copyholders who possessed land with a clear value of

£10 per annum were given the vote in the shires. ²⁰ In an age excited by reform, Parliament set up a Select Committee in 1835 to look into the whole matter of copyholds. The Committee took three years to produce their report, which when published, came down unequivocally on the side of the abolitionists. Accordingly a bill was proposed in 1839 which had in its preamble the following objective:

‘It is expedient to provide for the gradual and entire enfranchisement of land of copyhold and customary tenure and other lands subject to manorial rights; on such a basis as shall be equitable towards the interests of all parties affected’. ²¹

After some modifications were made to the bill in the Committee stages, the first Copyhold Act entitled:

‘An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands and for the improvement of such Tenure’.

was passed on 21 June 1841. ²² Amongst its clauses was the creation of a body known as the Copyhold Commissioners, who would be the driving force in the hoped for progress of enfranchising all copyholds.

The story of the enfranchisement of all copyholds in Holderness can conveniently be told here in three stages: first, the period of enfranchisements by common law from 1774 to 1841; second the period from 1841 to 1925 when enfranchisements took place both by common law and also under the aegis of the Copyhold Acts; and third, the post 1925 situation after copyholds had been abolished by the 1922 Law of Property Act. In tracing the Holderness enfranchisements, not every township and parish has been analysed. For the sake of brevity, a representative sample of 16 copyhold townships have been selected, but from the standard patterns found it is possible to draw firm and accurate conclusions concerning the ending of copyholds in Holderness.

Voluntary enfranchisements under common law, 1774 to 1841.

On 29 September 1774, William Constable's land agents Robert Foster and John Raines issued a printed notice offering the enfranchisement of all copyhold lands within the Constable manors of Holderness to existing tenants.²³

'Manors of Burstwick, Skeckling, Preston, Sproatley, Lelley, Burton Pidsea, Easington, Skeffling, Skipsea and Cleeton. Proposals for enfranchising the Copyhold lands held of the above Manors.

Mr Constable will make the lands freehold upon the following terms:

For the **FINES and COPYHOLD SERVICES**

I Copyhold in Bondage, or Fine at the will of the Lord.

Seven years purchase of the Land upon a fair valuation.

II Copyhold Without Impeachment of Waste, or Fine certain.

One year's purchase

For the **ANNUAL COPYHOLD RENTS**

Thirty years purchase.

Burton-Constable

September 29, 1774

ROBERT FOSTER

JOHN RAINES'

Three points of interest arise from this notice. First an obvious willingness on the part of the lord to sell his copyholds. Unfortunately, no contemporary letters or supporting documents have come to light to explain why William Constable should have adopted this policy. By 1774 he had reached the age of 53 and had recently returned from a Grand Tour of Europe. The period immediately following 1771 signalled the beginning of his major project to remodel the Burton Constable gardens on the designs of Lancelot 'Capability' Brown, but any direct link between the need to raise money for garden improvements and the initiative to sell copyholds can only be speculation.

The second point of interest was that the purchase price was the sum of two parts; an amount to redeem the manorial incidents and a separate sum to cover the quit rents. It will be noted here that the notice made no mention of any compensation payments to the court steward.

The third point of interest, was the higher price demanded for the copyhold in bondage over the copyhold without impeachment of waste. This difference reflected the Lord's

ability to force up entry fines based on 'improved values of the land' for copyhold in bondage estates, whereas copyhold free rents and fines were 'certain' i.e. fixed at a historically low value equal to one or two years quit rents.

No similar enfranchisement proposal document has been discovered for any other Holderness manor in the period, hence it is difficult to compare Constable's terms on a value-for-money basis. In 1844, soon after the passing of the first Copyhold Act, Sir T.A.C. Constable offered the same terms for enfranchisement as had been made seventy years earlier.²⁵ In a still later period between 1854 and 1874, a number of non-Constable Holderness copyholds were enfranchised through the offices of the Copyhold Commissioners, but in most of these cases the alternative method of extinguishing copyholds by an annual rent charge was adopted. Table 6:1 lists these enfranchisement terms.

Table 6:1 Enfranchisement terms for non-Constable Holderness manors in the period 1854-74.

AV = Annual value; QR = Quit rent.

Report of the Copyhold Commissioners	Manor Lord of the Manor	Fine	Agreed terms
13 th . 1854-55	Leven Richard Bethell	Arbitrary	Gross sum 6 years AV.
14 th . 1856	Holmpton Rev. Wm. Potchett	Arbitrary	Rent charge based on 5½ years AV and 25 yrs. QR.
14 th . 1856	Welwick Provost Rev. J. Clements	Arbitrary	(1) Rent charge based on 5½ years AV and 25 yrs. QR. (2) Gross sum based on 25 yrs. QR.
16 th . 1857-58	Roos Rev. C. Sykes	Arbitrary	Rent charge based on 7 yrs. AV at 4%.
32 nd . 1874	Patrington Rectory Rev. F. Sheppard	Certain	Gross sum. 1 yr. AV and 30 yrs. QR

Source: BPP, reports of the Copyhold Commissioners as indicated in the table.

Broadly speaking, the Constable terms were on the high side, and in the slightly later period 1865-78, Lincolnshire enfranchisements were reported at distinctly lower rates than the Constable offer.²⁶

William Constable's offer of enfranchisement did have a number of takers with some land at Burstwick and Skeckling, Burton Pidsea, Easington, Lelley, Preston, Skeffling, Skipsea and Cleeton, and Sproatley being enfranchised in the period 1774 to 1789. The acreages and the cost of enfranchisement in the various townships are recorded in Table 6:2.

Table 6:2 Enfranchisements in the Constable Manors of Holderness during the period 1774 to 1789.

Township	Area of land Enfranchised			Enfranchisement Terms		
	a	r	p	£	s	d
Burstwick and Skeckling	324	3	15	1,263	0	9
Burton Pidsea	71	0	34	278	0	0
Easington and Skeffling	210	3	36	640	5	6
Lelley	86	2	0	243	1	3
Preston	651	2	23	2,439	16	1½
Skipsea and Cleeton	203	2	9	496	14	9
Sproatley	34	2	16	101	17	6
Totals:	1,583	1	13	£5,462: 15s: 10½d		

Source: Copyhold enfranchisements, ERRAS, DDCC 111/38.

NB. The source also included a column headed, 'messuages and cottages', which could possibly indicate that some enfranchisements were located in the village garths. No areas were quoted separately for a total of 14½ 'messuages and cottages', but from the relatively large areas involved, it is most unlikely to be a significant factor, hence the total of 1,583 acres has been counted as either open land or former open land.

Once again, the reason why the copyholders wished to enfranchise their lands, or at least some part of them, at this early stage is not known. This was a period of agricultural prosperity and it could be surmised that there may have been a desire by the copyholders to gain more independence in order to foster agricultural improvements. This does not appear to be the case, however, as the identity of the 21 enfranchising copyholders is given in the source and it is clear from the names that the majority were

not resident farmers. Fifteen, in fact, were non-resident owners, unassociated with farming as a profession. It should be mentioned here that these non-resident copyholders could rent out their estates at economical rents to sub-tenants. This would imply that there was no obvious reason for them to seek enfranchisement. However, if one examines in more detail the non-resident, enfranchising copyholders of Preston alone, we have William Iveson, a Hedon lawyer, James Smith, a Hull lawyer, Christopher Bramley, a dry salter and merchant of Leeds, five Hull merchants, Richard Bell, Christopher Scott, Samuel Standidge, Joseph Sykes and Joseph Williamson, William Beadall, described as 'gent' of Hedon, Francis Twistleton Thompson of Middlesex, esquire in the right of his wife Elizabeth and Robert Wood whose occupation and place of residence has not been identified. With the single exception of Wood, all the above received freehold allotments in the Preston enclosure award of 1777. In addition, William Iveson and the five Hull merchants all had a long history of open land acquisitions in Holderness.

No obvious or consistent reason for wanting to enfranchise these copyhold estates emerges from the surviving documentataion. It seems clear that William Constable's offer to enfranchise copyholds, published in September 1774 and the enclosure movement were both factors to encourage enfranchisement at this time since eight took place at Preston and five occurred in Burstwick and Skeckling in the three year period 1774 to 1777. The parliamentary enclosure acts for these two townships were both passed in 1773 and awards made in 1777. Table 6:3 attempts to track down the commercial history of a number of these non-resident, enfranchising landowners concerning their estates in Preston.

Table 6:3 Enfranchising copyholders and their estates of arable, meadow or pasture land in the township of Preston.

Dates in brackets represent the partial acquisition or disposal of Preston holdings. Question marks indicate either the likely date, or where no information has been found.

Copyholder	Copyholds		Date of Enfranch.	Estate	
	Purchased	Inherited		Sold	Devised
Richard Bell	(1759) (1765)	-----	1786	(1771) (1774)	1792
William Beadall	-----	1756	1774	-----	1789
Christopher Bramley	1774	-----	1774	(1775)	?
William Iveson	(1766) (1773)	-----	1774	-----	1787
Christopher Scott	(1765) (1766)	(1760)	1774	(1779) 1780	-----
James Smith	1774	-----	1774	1777?	-----
Samuel Standidge	1772	-----	1774	-----	1800?
Joseph Sykes	(1767) (1768) (1771)	-----	1774	-----	1805
Joseph Williamson	-----	1768	1774	-----	1785
Francis T. Thompson and his wife Elizabeth	-----	1770?	1774		1793

Sources: RDB; Court books of the Manor of Burstwick, ERRAS, DDCC(2)/80; the will of William Iveson, dated 31 December 1785, BIHR; the will of Sir Samuel Standidge registered 25 April 1801, RDB CC/355/531; K.J. Allison, *Hull Gent. Seeks Country Residence 1750-1850*, EYLHS No.36, 1981; VCH V, Preston, p.193.

Of the ten parties listed in table 6:3, James Smith the Hull lawyer, may have purchased, enfranchised and sold his estate within the critical period 1774-77.²⁷ More precise documentation was found for Christopher Bramley, the Leeds merchant. On 20 February 1774, he purchased 2¾ oxgangs of arable land, plus some meadow ground and beastgates, all copyhold free, from John Raines.²⁸ By Michaelmas (29 September) of that year, he enfranchised c.76 acres of copyhold free land. In October 1775 he sold c. 39 acres of freehold land, 'being the east part of a new allotment of Christopher Bramley containing 63a Or 36p out of the North Field, now staked out and fenced

off'.²⁹ In spite of this sale, he still received two freehold allotments totalling c.72 acres at the enclosure award in 1777.³⁰ The disposal of this land has not been traced.

One other late purchaser, Samuel Standidge, enfranchised in 1774 and handed down his Preston estate, presumably to his only daughter, some time before his death in 1801. His will of the same year makes no mention of his two Preston farms, 'New York' and 'Philadelphia'.³¹ Richard Bell sold some of his Preston copyhold land before enclosure, but still received c.15 acres freehold and c.43 acres copyhold at enclosure. The copyhold was not enfranchised until 1786 and subsequently was devised on his death in 1792.³² Christopher Scott enfranchised c.35 acres in 1775 and finally sold the land as freehold to James Bird, a Sproatley merchant in 1780.³³ By and large, the main course of action, shown by the examples of William Beadall, William Iveson, Joseph Sykes, Joseph Williamson and the widow Elizabeth Thompson, was that Preston open land, purchased or inherited well before enclosure, was enfranchised in 1774 and held until death.

It would seem, therefore, that land values, where acre for acre, freehold land was more valuable than copyhold, was a more important consideration and justified the expense of enfranchisement. In this there was no particular bias on the type of copyhold enfranchised. Out of the total of 1,583 acres, copyhold in bondage accounted for 733 acres and copyhold free, 850 acres. In terms of costs, the bondage land element amounted to £3,257: 19s: 6d; copyhold free £554: 19s: 6d and there was an additional payment of £1,649: 16s: 10½d in respect of the copyhold rents, making up the total payment to William Constable of £5,462: 15s: 10½d.³⁴

William Constable appears to have taken the lead amongst the local lords of the manors in the question of copyhold enfranchisements. In the non-Constable Holderness manors, the only early enfranchisements traced were in Bethell's Manor of Leven with

81½ acres of land owned by Peter Nevill and Christopher Keld enfranchised in 1793 (see chapter five, Table 5:38) and on 7 January 1797 John Bowman paid William Bethell £1,200 to enfranchise 168 acres of land dispersed in Leven parish.³⁵ After 1797, no further enfranchisements of copyholds were found in Holderness until 1853. By that time Parliament had passed a number of Copyhold Acts and the Copyhold Commissioners were actively working to encourage the enfranchisement of all copyhold and customary tenures in England and Wales.

Enfranchisement by the Copyhold Acts.

As mentioned earlier in this chapter the growing concerns raised against copyholds resulted in Parliament appointing a Select Committee to examine all aspects of the tenure in 1835. Initially the Committee set about to formulate a Bill to amend the law relating to, 'Lands held by Copy of the Court Rolls',³⁶ but by the time of their first Report in 1838, the proposed legislation had widened to encompass a Bill, 'to facilitate the Enfranchisement of lands of Copyhold and Customary Tenure'. In the view of the Committee:

'This tenure is ill adapted to the wants of the present day and is a blot on the judicial system of the country. The peculiarities and incidents of copyholds (which have their origin in the villeinage of the feudal system) are at once highly inconvenient to the owners of the land and prejudicial to the general interests of the State'.³⁷

The Committee recommended that copyhold enfranchisement should be made compulsory, but after the proposed bill had passed through a number of amending stages, this was changed to enfranchisement on a voluntary basis. The Bill finally emerged in March 1841 before Parliament with the title:

'A Bill entitled an Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands and for the Improvement of such Tenure'.³⁸

The Bill proposed that the Tithe Commissioners for England and Wales should become the Commissioners for carrying out the Act, but should any Commissioner decline to accept office, the Secretary of State had powers to appoint, 'some fit person or persons', the total number not to exceed three. Initially the Commissioners were to be styled Copyhold Enfranchisement Commissioners but this was later shortened to Copyhold Commissioners. The Bill did not specify the sex of the Commissioners, but in the event, the ten Commissioners who held office between 1841 and 1883 were all men. They were directed to work from London or Westminster, but whilst they could not be sitting members of the House of Commons four of their number had formerly been M.P.s.³⁹ Each Commissioner was limited to a ten-year term in office, although this was extended in some cases at a later date. The act was passed in June 1841⁴¹ and gave the Commissioners considerable powers for the granting or suspending of applications for the enfranchisement or commutation of copyhold lands and tenements. Nevertheless, the act stipulated that enfranchisements could still, 'be made independently of this Act', thus allowing a legal continuation of the old procedure under common law.⁴²

The act also stipulated that the Commissioners should produce an annual report which was to be sent to Her Majesty's Principal Secretary of State for the Home Department and there was a requirement that the reports were to be made available to both Houses of Parliament. In total forty-one reports were issued by the Copyhold Commissioners between the years 1842 and 1883. Initially these reports contained comments by the Commissioners on the general situation of enfranchisements and occasionally urged changes in the law to facilitate the process. However, from the nineteenth report, written on 31 December 1860,⁴³ the format of the reports became quite stereotyped and of a purely factual nature, providing the following information:

- (1) The total number of enfranchisements carried out in the year, broken down into Collegiate, Clerical and Lay transactions.
- (2) The number of applications for enfranchisement received, divided between voluntary and compulsory applications under powers of a Copyhold Act passed in 1852. (discussed below).
- (3) The list of authorisations granted by the Commissioners under various categories through the powers vested in them by the Universities and Colleges Estates Act of 1858. ⁴⁴
- (4) Two tables; the first listing all Collegiate, Clerical and Lay enfranchisements and commutations settled, year by year, from 1841; the second listing the monetary settlement terms under the headings of 'Payment in Full', and 'Rent Charges'. Some earlier years also tabulated land areas where land had been granted in lieu of a monetary settlement.
- (5) A schedule of all enfranchisements in England and Wales, alphabetical by county, and then within counties; the name of the manor: the lord or lady of the manor, type of copyhold; former copyhold terms and enfranchisement settlement details.

Initially these schedules provided information on the current state of each application, which included comments, for example, as 'Application for enfranchisement received', or 'Draft settlement document received', but from the eighteenth report, for 1859 only finalised enfranchisements are listed. Unfortunately, many of these entries are merely reported as, 'Settled by Award', and give no details of the agreed financial settlement. Sadly, neither do details of the size of land, or tenement areas involved, appear in the schedule.

The first report of the Copyhold Commissioners is dated 17 June 1842. The second and third reports are also of a June date. The fourth report slips to July, the fifth to August, the sixth and seventh to November, but the eighth report of 1850 established a year-end date, reporting on the activities of a full calendar year. This timetable continued unchanged through to the thirty-eighth report, written on 31 December 1879. The last three reports are of a January date.

Three Commissioners signed the report each year, the sole exception being 31 December 1878, when only two Commissioners reported to the Secretary of State. This reduced number was specifically allowed for in the provisions of the 1841 Act. The Commissioners initially wrote under the banner of a separate Copyhold Commission, but by the time of the twenty-first report of 1863, the Copyhold Commissioners had been amalgamated into the Copyhold, Inclosure and Tithe Consolidated Commission. In 1883, the Consolidated Commission was reduced to the status of a single department within the Land Commission based at their offices in St. James's Square in London.⁴⁵ From that date the annual reporting of copyhold enfranchisements merely occupied a short paragraph within the lengthy annual reports to Parliament by the Land Commission. Information given was restricted to the statistics of numbers of enfranchisements effected since 1841, their total value; the number of enfranchisements effected in the past year together with their value; and applications received for enfranchisements broken down into the two categories of voluntary and compulsory requests. No details of manors, lord, types of tenure or settlements are recorded, hence these later reports are of limited value to the researcher. Nevertheless, it can be seen from Table 6:4, produced from information provided by the Land Commissioners, that the number of enfranchisements between the years 1883 and 1888, gradually declined. In part this was thought to be a consequence of a slump in agriculture at the time, but in December 1888, the Commissioners commented that both lords and tenants were,

'probably waiting for new legislation to come into operation'.⁴⁶ In the event, the Copyhold Act of 1887 reinforced the ability of either a lord or a tenant to obtain compulsory enfranchisement, and finally the Copyhold Act of 1894⁴⁷ consolidated the articles of the previous seven acts passed between 1841 and 1887, and in particular established the authority of the Board of Agriculture to assess land values and make awards.

Table 6:4 Completed enfranchisements since 1841 and applications received by the Land Commission 1883-1888

Year	Total since 1841	In the current year			
		Completed Enfranchisements	Applications Received	Voluntary	Compulsory
1883	14,498	231	107	8	99
1884	15,174	226	105	9	96
1885	15,371	197	96	7	89
1886	15,559	188	96	6	90
1887	15,751	192	56	3	53
1888	15,928	177	158	9	149

Source: The reports of the Land Commissioners to Parliament, 1844 Vol. XIII, p.513 to Vol. XXXIII, p.215.

In view of the relevance of the work of the Copyhold Commissioners in the extinguishment of copyholds generally, their results on the national scene have been analysed here in some detail in order to give a dimension as to what was specifically achieved in Holderness.

It is very clear from early comments made in the annual reports that the Commissioners maintained as their prime objective the removal of copyhold tenure with all its associated manorial incidents of fines, heriots and quit rents. To this end the Commissioners acted not only as the channel through which applications passed under the mantle of the Copyhold Acts, but also as arbiters for the approval or suspension of each application placed before them.⁴⁸

In their first report dated 17 June 1842, the Commissioners noted a reluctance on the part of both lords and tenants to move swiftly towards commutation or enfranchisement.

This was explained in the following terms:

‘The cause of slowness seems principally this:- However willing to proceed, both lords and tenants, seem unwilling, or unable, to take upon themselves the task of calculating the value of their respective interests.

The selling value of the land, and of course the Copyhold incidents connected with the land, vary in different parts of the country; the customs of the manors and the burthen (*sic*) of the Copyhold tenure vary yet more To lay down general rules under such circumstances is, and always must be, impracticable’.⁴⁹

The second report, written 22 June 1843,⁵⁰ again recognised a slower than hoped for response by lords and tenants and whilst the next report⁵¹ welcomed an overall increase in the number of enfranchisements completed and noted the lead being taken with property held by the Church, progress was still below expectations.

The period 1844-45 produced more encouraging sounds from the Commissioners, who significantly also noted an increase, ‘in the value of lands enfranchised’. The fifth report, written 3 August 1846,⁵² bordered on the enthusiastic with the comment, ‘there is a fair prospect of copyhold tenures being ultimately extinguished’. Nevertheless, the Commissioners felt obliged to report that progress was still slow in manors held by lay lords. Some hope was expressed that the growing railway network and the increasing population of towns, both factors which the Commissioners claimed led to building speculation, would help the cause of enfranchisement. Finally in this report, the Commissioners urged Parliament, ‘to sanction a compulsory extinction of copyhold incidents, more especially of heriots’.

By November 1847, the Commissioners were able to report,⁵³ ‘a slow and gradual advance in the voluntary enfranchisements of copyholds under ecclesiastical lords’. Typical of these lords of the manor were the Bishop of London and the Dean and

Chapter of St. Paul's who were both involved in enfranchising manors in Essex and Middlesex. The Bishop of Winchester followed a similar path in the Southampton area and this was echoed in some Wiltshire manors by the Bishop of Salisbury.

The reason for the Church leading the field with copyhold enfranchisements may have been due to a financial opportunity which presented itself to the Church corporations on the passing of the 1841 Copyhold Act. For a number of years, the Ecclesiastical Commission had fostered a policy of not renewing beneficial leases and encouraged the sale of leasehold property belonging to Church corporations.⁵⁴ The money raised by such sales was substantial and by act of parliament was directed to be placed in the Common Fund of the Ecclesiastical Commission, for the general benefit of the Church and its clergy.⁵⁵ In the case of copyhold enfranchisements, the various Church corporations had no such direction and were not slow to absorb all monies so raised. This caused the Church Estates Commissioners in 1853 to complain of an inconsistency and urged Parliament to legislate in the matter.⁵⁶

In contrast a very different story emerged for copyholds held by lay lords, and for this the Commissioners blamed firstly the influence of the lords' stewards, who were mainly attorneys and who derived considerable income from their control of manor courts, and secondly on a general expectation of further legislation to enforce commutation or enfranchisement. The Commissioners again pleaded for measures to be taken to eliminate 'the social and economic evils', associated with heriots and arbitrary fines, but for all their opposition to copyhold tenure *per se*, it is interesting to read that the Commission had great doubts that it would be found practicable to enforce a complete and compulsory enfranchisement of all copyhold estates in the kingdom.⁵⁷

As this slow and rather unexciting progress with enfranchisements was maintained over the next two years, Parliament agreed that there was a need to accelerate the process.⁵⁸

In 1849, a Bill was formulated with the title, 'To effect the compulsory enfranchisement of Lands of Copyhold and Customary Tenure'. The initial wording of the Bill gave sole right to the tenant to enforce enfranchisement of his, or her, land or tenement by applying in writing to the Commission, whether or not the lord of the manor was a willing party.⁵⁹ The Bill did not, however, have an easy passage and in the following year the wording was modified to include the sentence, 'or, on the application of the Lord, whether the Tenant shall, or shall not, assent to such Commutation'.⁶⁰

This equalisation of powers still did not end the debate and further arguments were brought forward concerning the authority of the Commissioners to commute the lord's rights to timber and minerals. Meanwhile the Commissioners continued to point out in their reports that uncertainty in the public mind as to whether or not any compulsory measure would be passed by Parliament, 'materially retarded voluntary enfranchisement'.⁶¹ Finally, the Act⁶² sanctioning compulsory applications was passed in 1852, and it can be seen from Table 6:5 that the number of completed enfranchisements showed a marked upward trend from 1854 onwards.

The period 1860 to 1867, produced the highest numbers of enfranchisements achieved through the Commission. This level was not sustained, however, and from a peak of 1,039 enfranchisements recorded in 1865, numbers fell away to an average annual number of 424 for the remaining years between 1869 and 1882. Unfortunately, any explanation for this oscillation of activity by the Commissioners is denied us as the reports from the year 1860 onwards are purely numerically factual ones and no comments by way of explanation, were added.

The total number of completed enfranchisements and commutations approved by the Copyhold Commissioners from the date of inauguration of the Commission on 22 June

1841 until the end of 1882 was 14,717 (See Table 6:5). In the early period from 1841 until 1858, the schedules attached to the Commissioners' reports contained information on manors progressing through the various stages of the enfranchisement process, from receipt of application to details of the final settlement. After 1858, the schedules described only completed enfranchisements by county. Attempting to use this information in order to analyse the geographical distribution of enfranchisements by county, some difficulty is encountered in reconciling the individual county totals with the figures given for England and Wales, by the Commissioners, in their forty-first report of 1883. ⁶³

In a printed return to Parliament of all enfranchisements and commutations effected by the Commissioners from 22 June 1841 to 31 December 1849, the county list totals 308.⁶⁴ This compares with a figure of 300 given in the forty-first report of 1883. For the period 1850-58 taking only the entries marked, 'Signed and sealed' as completed enfranchisements, some discrepancies are also encountered with the 1883 summary, although this never amounts to more than one entry per year. In spite of these relatively small differences, a fairly accurate picture may be drawn of enfranchisements for England and Wales as a whole and also by county, as authorised by the Commissioners over the period 1841 to 1882. The former are shown in Table 6:5 and the county figures in appendix 1.

Table 6:5 Table of completed enfranchisements for England and Wales in the period 1841-1882.

Year	Number of completed enfranchisements	Year	Number of completed enfranchisements
1841	1	1862	678
1842	12	1863	520
1843	29	1864	910
1844	39	1865	1039
1845	56	1866	825
1846	56	1867	683
1847	52	1868	668

1848	25	1869	516
1849	30	1870	506
1850	37	1871	371
1851	64	1872	453
1852	44	1873	521
1853	58	1874	460
1854	131	1875	506
1855	220	1876	471
1856	231	1877	478
1857	303	1878	385
1858	204	1879	292
1859	371	1880	402
1860	714	1881	291
1861	786	1882	279*

*Only 278 enfranchisements are listed in the forty-first report of 1883.

Total number of enfranchisements completed in the period 1841-1882 was 14,717.

Source: Copyhold Commissioners, Reports from 1841 to 1883 and Land Commission, Reports from 1884 to 1889.

Taking the county figures shown in appendix 1, a geographical density map of enfranchisements by county, based on completed numbers per 50,000 acres, (see appendix 2) may be produced, and which appears in appendix 3. Examining the map there is a temptation to deduce that:

1. The greatest density of completed enfranchisements is to be found in the five, south eastern counties of Cambridge, Essex, Hertfordshire, Middlesex and Suffolk.
2. Modest success was achieved by the Commissioners in Bedfordshire, Hampshire, (reported as Southampton), Huntingdon, Norfolk, Surrey and Sussex.
3. Only minor activity occurred in the counties of Berkshire, Buckinghamshire, Derbyshire, Herefordshire, Nottinghamshire, Staffordshire and Worcestershire, whilst
4. Little or negligible activity was registered in all other counties of England and Wales.

The production of an area density map of the type shown in appendix 3, rests on the assumption that in the basket of enfranchisements, for each county, the proportion of

large and small (and all other sizes in between) is more or less the same in every county. Unfortunately, this was unlikely to have been the case as the numerous manors in every county obviously did not have the same proportions of former open lands and village garths. For example, the Manor of Tupcoates with Myton in Kingston upon Hull only consisted of small tenements with associated garths and possessed no arable, meadow or pasture lands within the manor. In the period 1860-1925, a total of 214 separate enfranchisements were recorded by the Copyhold Commissioners and their successors at the Ministry for the Manor of Tupcoates with Myton. ⁶⁵

Again, looking at the map, there is also a danger in asserting that where no, or very few, enfranchisements took place e.g. Cheshire and Durham, this indicates places where neither the lords of the manors, nor their tenants, were interested in changing the status quo of copyhold tenure. It can be argued in this case that the process of enfranchisement existed well before the appointment of the Copyhold Commissioners in 1841, and many manors had already converted land holdings and buildings prior to that date. Alternatively, it may indicate that copyholds in those counties were never as important as copyholds in, say Norfolk, by c.1750. As a general rule it could be said that copyholds were stronger in the East of England, whereas leaseholds were more prevalent in the West of England. ⁶⁶ Nevertheless, the fact that copyhold tenure existed until the end of 1925, in the face of a number of acts of parliament passed to encourage compulsory enfranchisement, does point to a lack of desire to achieve freehold status by both lords and tenants, or conversely, the strength of copyhold tenure in that particular area. What does appear from the report schedules is that a select number of individual lords pursued a policy of enfranchisement, doubtless to satisfy their own particular needs at the time in question. As mentioned earlier in this chapter, the initial years of the Commission saw the ecclesiastical lords leading the field with copyhold enfranchisements. This lead was taken over by the lay lords in 1854, who were then

involved in the large majority of cases until the end of reporting in 1882. A third category of lords of the manor were described as collegiate, being mainly the various colleges from Oxbridge. Until 1853, the Commissioners had never dealt with more than two completed enfranchisements per year from these colleges. Thereafter collegiate numbers rose, particularly from 1860 onwards, and by 1870 were consistently greater than their clerical equivalents each year.⁶⁷

From the eighteenth report of the Commission (1860)⁶⁸ the Commissioners regularly reported on the number of applications received under separate headings of 'voluntary' and 'compulsory'. These numbers are listed in appendix 4 and it must be significant that the ratio of compulsory to voluntary applications is 7:1. Unfortunately, the reports do not state whether it was the lords or the tenants who were forcing the pace of enfranchisements, although in the period 1852-58, schedules attached to the annual reports do include a number of applications labelled, 'Notice served on the lord (or lady) of the manor'. No instances were found of the reverse being the case which tends to suggest that the tenants were taking the lead in this period, but this view was not endorsed by Cuddon, who wrote in 1865:⁶⁹

'If Parliament should require a return from the Copyhold Commissioners of the number of notices to compel enfranchisement relatively given by lords and tenants, it is possible that, at least, nine-tenths of such notices would be found to have emanated from lords of the manors'.

Whatever lack of success the Commissioners may have experienced with enfranchisement generally, there is no doubt that a short peak of activity occurred in the 1860s. It is difficult to pinpoint a single reason for this upward movement from 1860 onwards, which reached its maximum about 1865/66 and then fell away again in the 1870s. The Commissioners themselves felt that the Copyhold Act of 1858, which simplified the process, had 'afforded great facilities for the enfranchisement of copyhold lands, of which the country has availed itself in the past year', (Eighteenth

report 1860). In this comment, the Commissioners were overstating the country-wide position. Analysis of the county enfranchisements (appendix 1) confirms that in only a handful of counties was there a marked increase in the numbers of enfranchisements, and not all of these followed the peak pattern shown in the graph (appendix 5). Outstanding of those which did were Essex from 1866 to 1870, Cambridge from 1863 to 1865, Norfolk from 1861 to 1867, Suffolk from 1864 to 1866, and to a lesser degree, Huntingdon in 1860 with 132 and in 1867 with 59 enfranchisements, Hereford 1862 with 62, Hertford 1867 with 64 and Middlesex with 80 in 1865.

Although the total of 14,717 completed enfranchisements over the lifetime of the Commission may appear to be a large number, it can only have been a fraction of all the remaining copyholds which existed at the time. Even Adkin's later comment, written in 1907: ⁷⁰

‘... copyholds have been largely enfranchised and converted into freeholds in recent years; e.g., from 1841 to 1891 over seventeen thousand enfranchisements were effected’,

must have been far from the truth if Holderness represented anything approaching a national norm. For Yorkshire, the largest of the counties, the work of the Commission was a non-event. All copyholders were copyholds of inheritance, and no enfranchisement occurred under the Copyhold Acts in the county during the first nine years of the life of the Commission. Thereafter a total of only 103 enfranchisements were recorded for the whole county of Yorkshire up to, and including 1882. Of these, 32 referred to the urban manor of Tupcoates with Myton, whose ‘lord of the manor, was the Mayor, Aldermen and Burgesses of Kingston upon Hull. In this urban manor, fines were certain and trivial and rents extremely low. In addition, the town copyhold plots were nearly always only small tenements. A known example, typical of the manor, was an admission to three messuages in St. James' Square at Hull, in November 1882. The

area of the messuages was stated as 149 square yards, the fine a derisory 2d., and the annual rent a similar figure of 2d.⁷¹

Against the background of Yorkshire as a whole, Holderness enfranchisements obtained through the offices of the Copyhold Commissioners between 1841 and 1882 mirrored those of the County with only eight transactions in the 41 year period. These are listed in Table 6:6.

Table 6:6 Holderness enfranchisements made under the Copyhold Acts between 1841 and 1882.

MAF 9 Ref. No.	Date	Manor	Property Enfranchised	Area		
				a	r	p
Box 363 770	5 July 1855	Leven	Land containing 850 sq. yds. in the South Field			28
Box 363 953	27 May 1856	Holmpton	A Close called North Penstrop	5	0	0
Box 363 961	27 May 1856	Holmpton	A Close in Pensthorpe Enholmes	12	0	0
Box 366 974	27 May 1856	Welwick Provost	Allotment in the Grass North Field	11	0	34
Box 363 1,225	5 January 1857	Holmpton	Half a Close in the Middle Enholmes of Welwick	4	0	0
Box 364 1,332	26 October 1857	Roos	Allotment of land in the North Field of Holmpton	11	3	33
Box 364 4,175	16 October 1862	Roos	A Close of land in the West Field of Roos	1	1	0
Box 364 11,040	26 September 1873	Patrington Rectory	Allotment in the North Field of Patrington	2	0	0
Total area enfranchised				47	2	15

Source: Enfranchisement records, PRO, MAF 9, Boxes 363, 364 and 366.

Although there is no apparent significance to the fact, it is worthy of note that apart from the Leven enfranchisement shown in Table 6:6, where William Bethell was lord, all the other seven transactions involved lords who were clerics. There was no further common factor noticeable and even compensation payments varied, being either annual rent charges or lump sum payments.

After 1882, a number of Holderness enfranchisements were carried out under the auspices of the Board of Agriculture (later the Board of Agriculture and Fisheries). Once again these transactions were not extensive, but some appreciable copyhold acreages were involved. In 1893 Messrs. Simmonds and Greaves enfranchised c.35 acres of arable, meadow or pasture land dispersed in the old enclosures and former open fields of Easington, copyhold of the Manor of Easington, Kilnsea and Skeffling.⁷² In 1898, Henry Strickland Constable of Wassand enfranchised a number of cottages and garths in the old enclosures of Hornsea and c.724 acres in the former open fields of Hornsea, all held of the Manor of Hornsea.⁷³ Between 1908 and 1918, a number of closes at Dimlington, amounting to c.104 acres, held of the Manor of Dimlington were enfranchised, and in the period 1896 to 1921,⁷⁴ Bleak House and garth in the Main Street of Patrington, 4 tenements and c.15 acres of land in the former open fields held of the Manor of Patrington Rectory,⁷⁵ were all enfranchised through the Board of Agriculture and Fisheries. All other enfranchisements in Holderness up to the end of 1925, were effected by Deeds or Indentures of Enfranchisement under common law.

Common law enfranchisements 1853-1925.

The six Holderness enfranchisements processed in the 1850s by the Copyhold Commissioners (see Table 6:6) were accompanied by a slow trickle of common law enfranchisements. In the Manor of Burstwick, small amounts of land in the former open fields of Preston and Burton Pidsea were subject to a Deed of Enfranchisement made on 28 January 1853.⁷⁶ Four years later c.198 acres of former open field land were enfranchised at Burton Pidsea,⁷⁷ followed in the next year by parcels of land in the parish of Skipsea and Cleeton.⁷⁸ Keyingham also saw c.100 acres of land enfranchised in 1856⁷⁹ and 3 acres at Owthorne in 1858.⁸⁰ but thereafter the pace of enfranchisement in Holderness was quite erratic. Burton Pidsea's enfranchisements of 1857 were not followed up until 1890; Owthorne's next enfranchisement was 1904;

several townships did not begin the process until the 1870s and after enclosure in 1843, Kilnsea's first enfranchisement was dated 1908. Only the Holderness townships of Hornsea, North Frodingham, Preston and Withernsea could show a reasonably even flow of enfranchisements throughout all the decades of the second half of the nineteenth century.

The period of Compensation Agreements 1926-1935.

The Law of Property Act, passed in 1922,⁸¹ finally extinguished all copyholds in the land such that, 'every parcel of copyhold land ... be enfranchised and cease to be of copyhold or customary tenure,...'. The operative date for the conversion was originally 1 January 1925, but a subsequent act delayed the change until 1 January 1926.⁸²

In removing copyholds, the 1922 Act provided for the extinguishment of the manorial incidents, namely quit rents, fines and heriots where applicable, by way of a compensation payment to the lord, and also to the court steward for his loss of office. The extinguishment could be effected in one of two ways. First, under the terms of the 1894 Copyhold Act, which meant working under the auspices of the Ministry, basically in the manner set out by the various copyhold acts passed since 1841. The second method was by means of a compensation agreement made between lord and tenant, following a schedule of fees laid down in the act, which included a number of factors including the land value, the number of years' purchase and the tenant's age. The act also established a new scale of fees to be paid to stewards.⁸³ The act placed a time limit for completing compensation agreements, being, 'within ten years after the commencement of this Act'. Thereafter, if no agreement had been reached, either the lord or the tenant could apply to the Ministry, which could then impose a valuation on the property in question and have the power to force a settlement.

It is worthy of note that the act also provided for compensation payments to the lord for any timber on the land which then passed into the absolute ownership of the former tenant.⁸⁴ Against this, the act reserved the lord's rights to mines and minerals on any former copyhold land unless a separate agreement to purchase was made between the two parties. From the surviving documentation it would appear that no extinguishments of manorial incidents were made in Holderness under the 1894 Copyhold Act. A search through the categories MAF 9, 20 and 27 in the Public Record Office failed to find a single case, post 1925, but in contrast the period 1926 to 1935 proved to be a busy time for manor court stewards, lawyers all, negotiating and completing compensation agreements. Such action once again reflects the strong influence of stewards on the Holderness manorial scene.

Methodology

The method chosen to illustrate the gradual extinguishment of Holderness copyholds is by means of bar charts. Each chart begins with a bar equivalent in length to the copyhold acreage awarded in the former open fields at enclosure. Thereafter, with each enfranchisement the subsequent bars are reduced in length to show the remaining copyhold acreage. The same method of reduction also applies to the extinguishment of copyholds whenever a lord or lady purchased the copyhold interest from a tenant and did not recreate the tenure.

In order to obtain the data required for each bar chart, the main source of information used was the manor court rolls and books. In time it became standard practice to record enfranchisements on the rolls, but it is apparent that this was not always done. An entry in the court book of the Manor of Burstwick, written 31 May 1774, ended abruptly with the note: 'Not entered in this book as Mr Standidge's land being lately enfranchised'.⁸⁵

Clerical omission also cannot be ruled out. Three loose pages found in a court book of the Manor of Roos recorded the enfranchisement details of three copyholders, with the added comment, 'Enfranchisements not entered on the court roll'.⁸⁶

The problem of being able to distinguish between old enclosures and former open land is always present when using court books. In descriptive terms, the word, 'allotment' may safely be taken as former open land. Unfortunately, many enclosure allotments were subsequently sub-divided into 'closes' or, 'parcels of closes', or simply, 'parcels of land'. This action creates doubts regarding status since prior to enclosure, 'closes' were invariably old enclosures. And whereas the term, 'garth' could initially be taken as an area of old enclosure, some closes in the former open fields were renamed as, 'garths'. To make life even more complex, there are examples in the court book of the Manor of Hornsea where cottages are referred to as 'closes'.⁸⁷

Another difficulty encountered with the sub-division of allotments was the remeasurement of field areas. Areas given in the manor court book often varied from the value entered for the same plot in the Registry of Deeds, especially after the 25 inch to the mile O.S. map came into use. In all cases where the original enclosure area has been quoted, this value has been taken for use in the bar charts. The same former measurements were always used in respect of the townships bordering the North Sea. Frequently by enfranchisement time, less than one-half of the area quoted at enclosure remained for a particular plot. Fortunately in most cases the sentence, '... formerly said to contain...' is included in the manor court entry.

The second source of information on enfranchisements is the Register of Deeds held at Beverley. In the conversion of copyholds to freeholds, it was a legal requirement to enter a memorial of the enfranchisement in the register. Inevitably, the exact synchronization of manor court entry and memorial of enfranchisement did not always

occur, and the early RDB indexes did not always indicate an enfranchisement transaction, hence some may have been missed.

In spite of all these difficulties, fairly good reductions of copyhold acreages, down to zero by c.1938, were obtained for all but two of the townships or manors examined. Only Leven with 50 acres of former open land unaccounted for, equivalent to 5.6% of the total and Roos with 55 acres (6.4%), did not produce completely satisfactory analyses.

The extinguishment of copyholds in the former open field of Holderness

As with the previous chapter, the detail behind the exercise in producing the bar charts is fully shown for the first example, that of Easington. Thereafter only the final data tables used to produce the computer spreadsheets are shown in appendix 6 in order to reduce unnecessary length.

South Division

1. Easington

This exercise looked at the township of Easington with its copyhold estates in the former open fields, held of three manors, namely Constable's Manor of Easington, Kilnsea and Skeffling, the Crown Manor of Thornton in Easington and the Rectory Manor of Easington. In terms of producing the data, the relevant manor court books were the prime source of information, but in addition the Registry of Deeds, Beverley, compensation agreements in ERRAS, DDCC Acc 2788 and Burton Constable's Register of Copyholds and Compensation 1925 were all used. The Easington enclosure map⁸⁸ was also found to be very helpful as a number of allotments awarded in 1771 still retained their original shape and size when agreements were made over 150 years later. It was invaluable throughout that property descriptions in the 1920s and 1930s still referred to locations in terms of the old open-field system.⁸⁹ Hence, we read of, 'a parcel of land in the North Field', or, 'an allotment in the South Field'.

Following enclosure in 1771, Indentures of Enfranchisement were made between William Constable, lord of the manor, and John Porter; 120a Or. 32p in 1775 and the Rev. William Potchett; 7a 1r 24p in 1782.⁹⁰ No further enfranchisements occurred in Easington until 1893 when the Board of Agriculture made an award concerning copyhold allotments in the former East Field.⁹¹ This, and subsequent Indentures of Enfranchisement appear in Table 6:7.

Table 6:7 Indentures of Enfranchisement of the former open fields within the township of Easington, held of the Manor of Easington, Kilnsea and Skeffling 1783-1925.

EF: East Field; WF: West Field

Reference	Date of Enfranchisement	Description of Property	Area Enfranchised		
			a	r	p
Award of Board of Agriculture PRO, MAF 9, No.17264	31 Oct. 1893	(1) Allotment in the EF	6	0	0
		(2) Allotment in the EF	2	2	4
		(3) Allotment in the EF	1	2	25
		(4) Allotment in the EF	5	3	10
		(5) Allotment in the EF	8	2	30
Ind. Enfr. RDB 100/458/419	3 Jan. 1908	(1) Close of land called Low Close divided into 2 fields in the EF.	16	1	19
		(2) Allotment in the WF	21	1	8
Ind. Enfr. RDB 156/394/328	29 Nov. 1913	(1) Allotment in lieu of common Right in the WF	1	0	37
		(2) Allotment in the EF	5	0	23
		(3) Allotment in the WF	1	0	24
		(4) Allotment in the WF	2	1	20
Ind. Enf. RDB 183/8/6	21 Dec. 1917	(1) Allotment in the WF	9	2	25
		(2) Allotment in the WF	7	1	15
		(3) Allotment in the WF	38	0	20
		(4) Allotment in the WF	11	3	34
		(5) Allotment in the WF	9	0	8
		Total area enfranchised	148	1	22

Sources: As shown in the table.

Table 6:8 Compensation Agreements of the Manor of Easington, Kilnsea and Skeffling, for which accurate dates may be given, as recorded in documentation under ERRAS, Acc 2788, or by RDB entries, 1926-1937.

EF: East Field; WF: West Field

Date of Agreement Reference Former copyholder	Description of Property	Area of estate		
		a	r	p
20 Nov. 1928 RDB 377/137/109 Arthur Bosman	(1) Land in the EF	9	3	4
	(2) Land in Firtholme	2	0	34
	(3) Land called Fotham Close in Firtholme	12	1	12
	(4) Land now in two closes called Waters Far Close and Waters Close in the EF	15	3	10
	(5) A message, barn etc. and land now divided into three closes in the EF	33	0	0
	(6) Land in the EF	7	2	0
	(7) A close called SF Close	20	2	4
	(8) Land in the EF and Firtholme	14	1	8
	(9) Land in the EF	1	2	26
7 Jan. 1932 Acc 2788, No. 5369 Rev. W. Holt	Allotment in the WF	7	0	0
9 Jan. 1934 Acc 2788, No. 5372 C.F. Biglin	(1) Land in the EF	6	1	13
	(2) Land in the EF on Enholmes Road	3	0	35
	(3) Land in the EF	1	0	0
	(4) Land in the WF	1	0	17
27 Nov. 1934 Acc 2788, No. 5373 Fanny Quinton	(1) Land in the WF		3	2
	(2) Land in the WF	1	0	9
11 Dec. 1934 Acc 2788, No 5374 Mrs. L.E. Andrews	Land in the WF	1	0	17
7 Jan. 1935 Acc 2788, No.5375 J.A. Johnson	(1) Land, and land lying open in the EF	1	2	0
		1	1	2
	(2) Land in the WF	6	2	0
	(3) Land in the WF	7	2	25
5 Feb. 1935 Acc 5788, No. 5376 R.W.Carter	(4) Land in the WF	1	0	35
	(1) Land in the WF	4	2	18
	(2) An allotment and land in the WF	12	2	24
	(3) Land in the WF	4	2	0
	(4) Land in the WF	3	0	14
21 Aug. 1935 RDB 531/654/484 Albert Clubley	(5) An allotment at the South End	1	3	24
	(1) Common right land in the WF	2	1	12
	(2) Land in the EF	4	2	20
	(3) Land in the WF	13	2	13

5 April 1937 RDB 573/518/400 J.P. Blashill	(1) An allotment at the South End (common right)	1	1	36
	(2) An allotment and meadow called Pittan Dyke Close in the EF	24	2	24
	(3) An allotment and meadow in Firtholme, being a parcel of a close called Wray Firtholme	11	0	22
	(4) Parcel of land being the northern part of a close called South Garths	4	3	14
	(5) Parcel of land being the southern part of South Garths		2	26
Total area compensation agreements		245	3	20

Sources: As quoted in the table.

Table 6:9 Copyholders and their estates in the former open fields of Easington, held of the Manor of Easington, Kilnsea and Skeffling, as at 31 December 1925, taken from the Burton Constable Register of Copyholds and Compensation, for which no dates have been found for the compensation agreements.

(For the purpose of this exercise a date of 1926 has been taken for the extinction of the manorial incidents.)

EF: East Field WF: West Field

Copyholder	Description of Property	Area		
		a	r	p
Walter Biglin	(1) A parcel of land in the Common		3	22
	(2) A close bounded by the lordship of Skeffling	4	0	0
	(3) A close bounded by the Marsh Road	5	3	23
	(4) Land in the WF	7	1	24
John H. Bride	Land in the EF	5	3	0
George F. Clark	(1) An allotment and land in the WF	6	1	10
	(2) Land in the WF	1	0	27
	(3) Land in the WF	1	2	16
Ann E. Clubley	(1) Land in the WF			12
	(2) An allotment and land in the EF	1	2	34
	(3) An allotment in the WF	6	2	36
	(4) Land in the WF	16	3	16
	(5) Land in the WF	4	3	14
	(6) Land in the WF	1	1	16
F.J. Clubley	(1) A close and land in Firtholme	9	3	0
	(2) An allotment in the EF	8	0	0
	(3) A garth with a piece of Common allotted		3	15
	(4) An allotment and land in the EF	4	0	9
	(5) A close in the WF	10	0	10
Robert Clubley	A close and land in the EF	5	3	8
Arthur Dibnah	(1) Land in the WF	14	2	0
	(2) Land in the WF	10	1	20
	(3) Land in the WF			8
Annie Medforth	An allotment and land in the WF	1	0	27
Rose Matcham	Land in the WF	1	0	17

R.W. Walker	Land in the EF with a dwelling house and cottage built upon it	4	3	20
Margaret Wanstall	Land called East Close or Hall Garth, bounded by the North Sea	3	0	0
Total area		139	0	19

The Manor of Thornton in Easington

All but one of the enfranchisements of copyhold land in the former open fields of Easington held of the Manor of Thornton were obtained from the court book of the manor archived in the Public Record Office at Kew.⁹² The court entries extend to December 1929 but do not list any compensation agreements. In this case, it was necessary to reconstruct a schedule of agreements from a letter written to the Commissioners of Crown Lands by F.C. Manley, their steward, on 12 May 1933.⁹³

The completed list of enfranchisements and agreements appears in Table 6:10.

Table 6:10 The extinction of copyholds in the former open fields of the township of Easington, held of the Manor of Thornton, 1893-1935.

Section A. Indentures of Enfranchisement 1893-1925.

EF: East Field; WF: West Field

Date of Indenture Reference Copyholder	Description of Property	Area enfranchised		
		a	r	p
14 July 1893 CRES 5/158 p.483 Rev.A.S. Mammatt & F.W. Greaves	(1) Parcel of land in the EF (2) Allotment in the WF	1	2 1	25 18
9 March 1894 p.493 Church Estates Commissioners	(1) A close Called Turmar Close in the EF (2) Several parcels of unenclosed land in Ten Chains	17 ---	3 ---	22 ---
24 March 1902 p.514 R.A.W. Johnson	Allotment in the EF	10	3	28
13 Feb. 1905 p.530 A. Duncombe & Adm.C.F. Walker	(1) Blount Close and Blount Waters formerly part of the EF (2) Allotment in Firtholme	23 4	1 3	28 14
13 Feb 1905 p.535 Sir R.J.M.Walker	(1) A close called Barton Garth (2) Allotment in the EF	6 30	0 2	0 0

1 June 1921 CRES 5/159 J.S. Robinson	A parcel of land in the EF	2	2	35
Total area Section A		98	1	10

Section B. Compensation Agreements 1926-1935.

Date of Agreement Reference Former Copyholder	Description of Property	Area		
		a	r	p
31 May 1928 CRES 5/159 J.C. Quinton	(1) Allotment in the WF (2) Allotment in the EF	1 1	2 1	0 0
9 Jan. 1929 CRES 5/159 Arthur Bosman	Allotment in the EF	5	0	0
27 July 1931 CRES 5/159 A.A. Dibnah	Allotment in the WF	2	2	0
18 July 1932 CRES 5/159 Ann E. Clubley	(1) Allotment in the EF (2) Allotment in the WF		1 2	2 12
17 June 1935 CRES 5/159 R.W. Carter	(1) Allotment in the WF (2) Allotment in the EF (3) Allotment in the WF	15 17	2 2	24 0 28
Total area Section B		44	1	26

Sources: Court book of the Manor of Thornton in Easington, PRO, CRES 5/158; Letter to the Crown Commissioners from F.C. Manley, 12 May 1933, PRO, CRES 5/159.

The Rectory Manor of Easington

The last court book of the Rectory Manor, archived at the Borthwick Institute of Historical Research, York ⁹⁴ gives a full account of the relevant Indentures of Enfranchisement and subsequent compensation agreements up to the final transaction of 7 November 1938. These are listed in Table 6:11.

Table 6:11 The extinction of copyholds in the former open fields of the township of Easington, held of the Rectory Manor, 1893-1938.

Section A. Indentures of Enfranchisement 1898-1925.

EF: East Field; WF: West Field

Date of Indenture Reference Copyholders	Description of Property	Area enfranchised		
		a	r	p
22 June 1893 CC Ab12. Eas 4 p.338 Rev.A.S. Mammatt & F.W. Greaves	(1) Allotment in the WF (2) Allotment in the WF	2 1	1 1	22 30
27 Oct. 1904 p.365 A. Duncombe & Adm. C.F. Walker	Allotment in the WF	1	1	13
20 Dec. 1917 p.408 J.L. Richardson	Allotment in the WF	3	1	13
Total area Section A		8	1	38

Section B. Compensation Agreements 1926-1938.

Date of Agreement Reference Former Copyholder	Description of Property	Area		
		a	r	p
10 April 1930 CCAB12, Eas 4 p.457 Kate L. Biglin	(1) Allotment in the WF (2) Parcel of land in the Common	1	2 3	16 22
17 Dec. 1931 p.466 G.F. Clark	(1) Allotment in the WF (2) Allotment in Firtholme	8	3 2	0 0
20 June 1935 p.481 R.W. Carter	(1) An allotment being part of a close at the South End (2) Allotment in the EF	1 1	0 2	28 0
28 Nov. 1935 p.489 Albert Clubley	Allotment in the WF	1	0	27
31 Dec. 1935 p. 500 A.A. Dibnah	Allotment in the EF	1	1	0
29 July 1937 p. 520 G.W.Clubley & C.H.Clubley	Allotment in the EF	1	1	28
7 Nov. 1938 p.533 Thomas Clarkson	Allotment in the WF being the southernmost portion of a larger allotment containing 1a 0r 27p	1	0	0

7 Nov. 1938 p.538 G.H. Medforth & Dinah Charlton	Three several allotments in the WF	3	2	1
Total area Section B		22	3	2

Source : Court book of the Rectory Manor of Easington, BIHR, CCAb 12. Eas 4.

The data collected in Tables 6:7 to 6:11 now requires to be rearranged so that the areas enfranchised or subject to compensation agreements can be assembled in time order for the three Easington manors. This rearrangement is shown in Table 6:12.

Table 6:12 Areas of copyhold land in the former open fields of the township of Easington, held of three manors, extinguished by year, 1893-1938.

Year	Manor area extinguished									Total area		
	EKS			Thornton			Rectory			a	r	p
	a	r	p	a	r	p	a	r	p			
1893	24	2	29	2	0	3	3	3	12	30	2	4
1894				17	3	22				17	3	22
1902				10	3	28				10	3	28
1904							1	1	13	1	1	13
1905				64	3	2				64	3	2
1908	37	2	27							37	2	27
1913	9	3	24							9	3	24
1917	76	0	22				3	1	13	79	1	35
1921				2	2	35				2	2	35
1926	139	0	19							139	0	19
1928	117	0	18	2	3	0				119	3	18
1929				5	0	0				5	0	0
1930							2	1	38	2	1	38
1931				2	2	0	9	1	0	11	3	0
1932	7	0	0		3	14				7	3	14
1934	14	2	13							14	2	13
1935	64	1	27	33	1	12	5	0	15	102	3	14
1937	42	3	2				1	1	28	44	0	30
1938							4	2	1			
Totals		1	21	142	2	36	31	1	0	707	1	17

To the total area of 707a 1r 17p in Table 6:11 must now be added the two eighteenth century post-enclosure enfranchisements, namely John Porter's 102a 0r 32p in 1775 and the Rev. William Potchett's 7a 1r 24p in 1782. This summation produces a new total of

816a 3r 33p which is in very good agreement with the enclosure award of 1771 with its calculated total of 819a 3r 3p. ⁹⁵

The final task is to tabulate the remaining unextinguished copyhold areas in time order. Table 6:13 gives this data which when transferred to a computer spreadsheet enables the bar chart to be drawn. In this exercise, areas are rounded up or down to the nearest whole acre.

Table 6:13 Extinguishment of copyhold land in the former open fields of the township of Easington. Area enclosed in 1771: 820 acres.

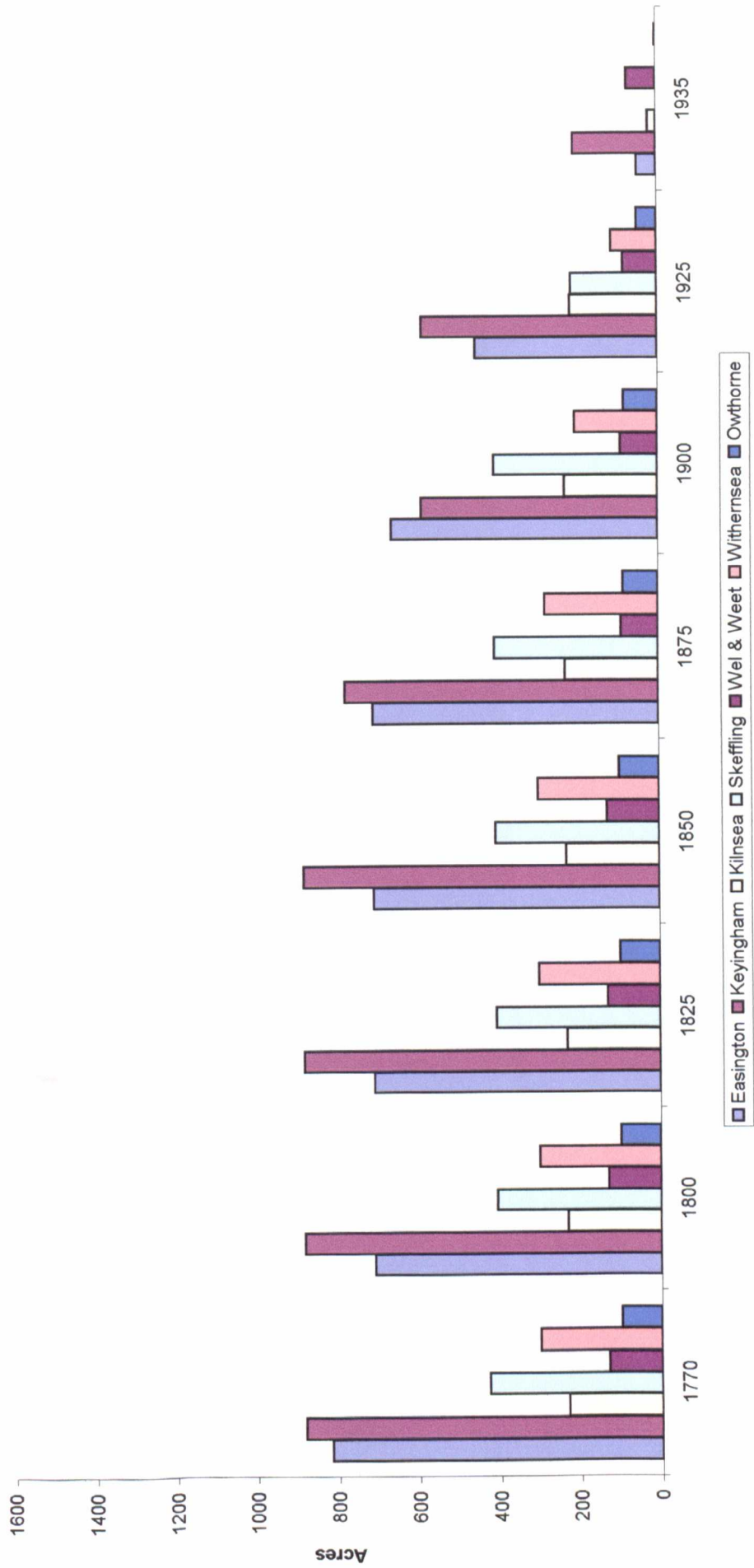
Year	Acres left
1771-1774	820
1775	714
1782	707
1893	676
1894	658
1902	647
1904	646
1905	581
1908	543
1913	533
1917	454
1921	451
1926	312
1928	192
1929	187
1930	185
1931	173
1932	165
1934	151
1935	48
1937	4
1938	0

Copyhold land remaining at 31.12.25: 451 acres (55.0%)

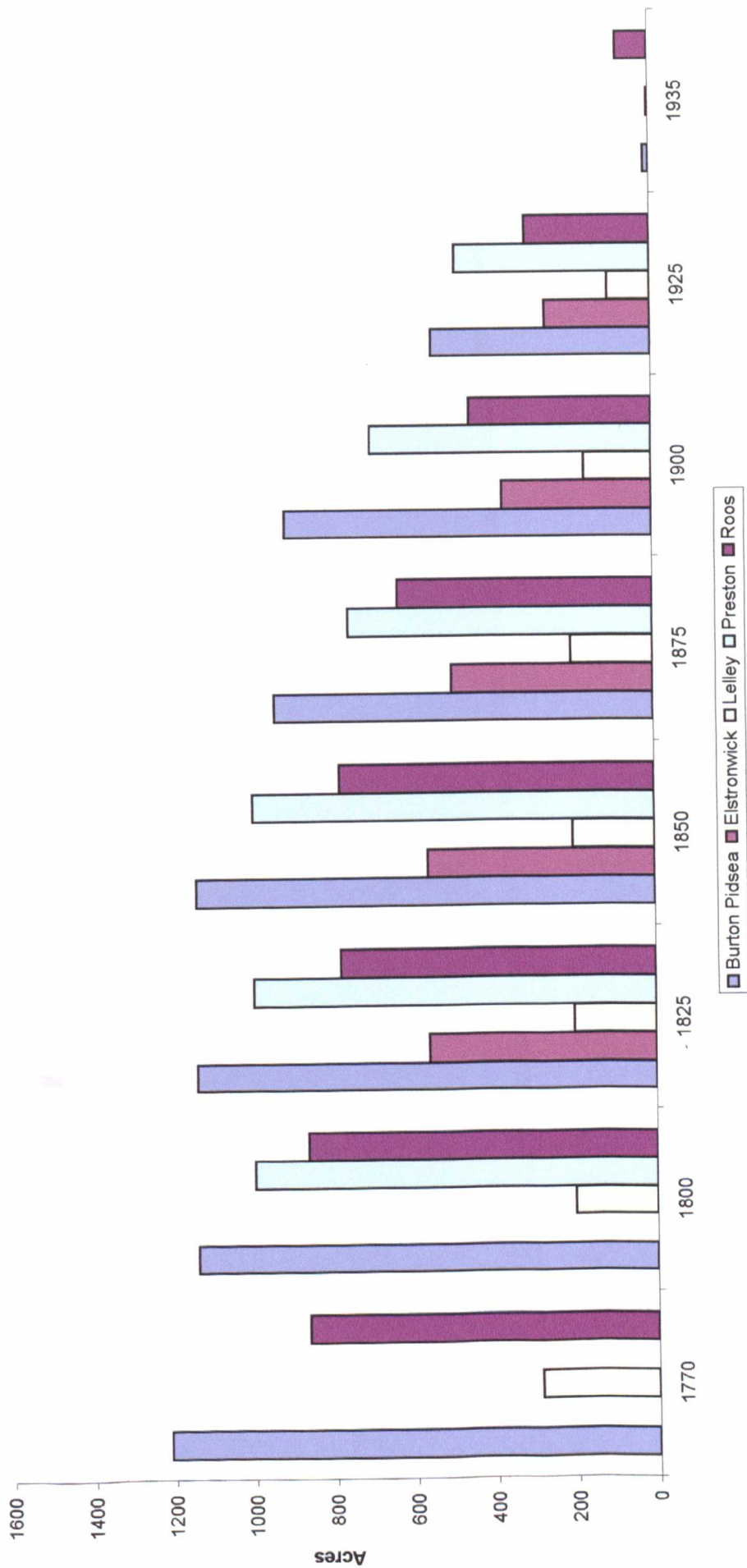
The raw data showing remaining copyhold acreages, over time, for the former open fields of the three divisions of Holderness, from which the bar charts were produced, appears in appendix 6. (An alternative method to show the extinguishment of copyholds, by means of graphs using the same data, also appears in appendix 6.)

Allowing for the fact that the enclosures of the sixteen townships examined all occurred

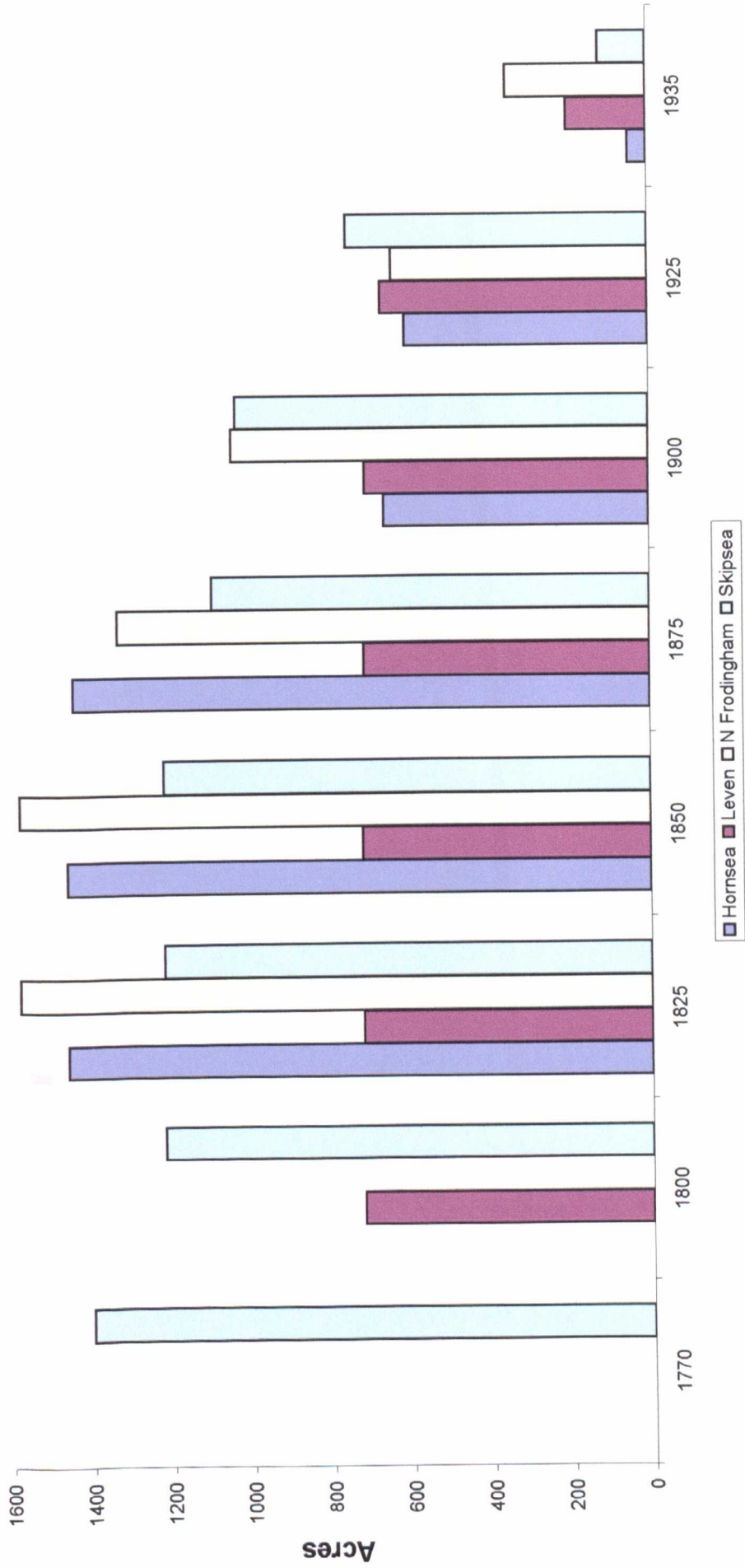
Extinguishment of Copyhold in Southern Division of Holderness



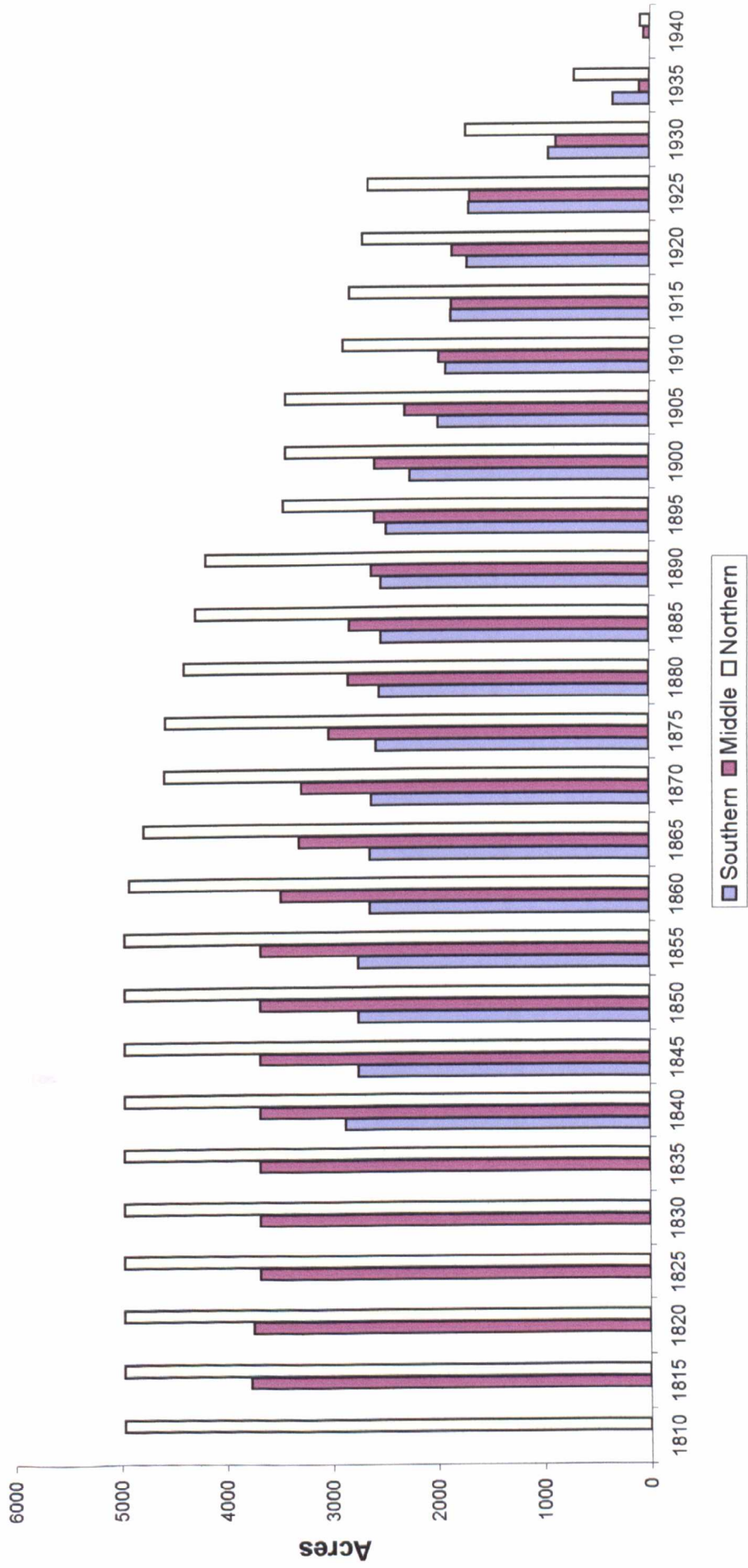
Extinguishment of Copyhold in Middle Division of Holderness



Extinguishment of Copyhold in the Northern Division of Holderness



Extinguishment of Copyhold in Holderness



at different dates, the chart patterns for the three Divisions show very similar shapes. When these three divisional charts are amalgamated into a single Holderness representation, it can be seen that the situation of copyholds remained virtually unchanged from c.1800 to 1860. Thereafter, the slow process of enfranchisement begins to reduce the bar lengths down to 1925. The period post 1925 represents the period of compensation agreements when the remaining manorial incidents were extinguished.

One measure of the survival of copyholds in the open fields of Holderness can be achieved by tabulating the copyhold acres awarded at enclosure and comparing these with the copyhold acres remaining at 31 December 1925 for our sixteen sample townships. The results are shown in Table 6:14.

Table 6:14 A comparison between copyhold acres awarded at enclosure and those remaining at the legal end of copyholds, 31.12.25.

Township	Copyhold acres		% Copyholds at 31.12.25
	Awarded at enclosure	Remaining at 31. 12. 25	
Easington	820	451	55
Keyingham	890	583	66
Kilnsea	348	216	62
Skeffling	426	214	50
Welwick & Weeton	130	84	65
Withernsea	300	113	38
Owthorne	98	50	51
Burton Pidsea	1,210	544	45
Elstronwick	562	260	46
Lelley	288	105	36
Preston	1,052	483	46
Roos	863	309	36
Hornsea	1,459	608	42
Leven	892	666	75
North Frodingham	1,576	639	41
Skipsea	1,399	751	54
Total	12,313	6,076	49

NB: Due to the absence of court rolls or books, copyholds at Skeffling only include the Manors of Easington, Kilnsea and Skeffling and Thornton; similarly, Welwick and Weeton townships only include copyholds of the Manors of Weeton and Kelk.

Table 6:14 shows that the average value for remaining copyhold land is 49%. This indicates that one-half of all the copyhold land awarded at enclosure remained as copyhold at the legal end of the tenure.

Old enclosures

The bar chart method showing remaining acreages of copyhold land over time cannot be used to measure the extinguishment of garths and tenements in the old enclosures of Holderness. The reason for this is that whilst the large pieces of old enclosure arable, meadow and pasture ground such as the Toteleys in Burstwick, the Dimlington Closes, the Marsh Closes of Easington and Kilnsea, Hall Garth and the Lund in Hornsea, were usually assigned a specific area in their respective court books, the vast majority of old enclosure plots described either as 'a cottage or tenement with garth' or, 'a messuage, tenement or dwelling house, with close or garth, orchard or garden', rarely merited a corresponding size. Hence there is no firm starting point from which to link up with the later nineteenth, and twentieth century court book entries which included areas in acres, roods and perches, or square yards. Nevertheless, the extinguishment of all old enclosure tenements is a notable aspect of the overall survival of copyhold tenure in Holderness with townships such as Hornsea, Preston and Patrington having their village garths almost entirely composed of copyhold tenements. The question, when were these copyhold old enclosures enfranchised, therefore, deserves an answer.

The 1841 Copyhold Act was essentially designed to facilitate the process of enfranchisement and to eliminate copyholds generally. It, therefore, seems strange that a section of the act was devoted to 'modernising' the process of court surrenders and admissions. These innovations have already been discussed in chapter four, but the freedom given to court stewards by the 1841 Act to hold courts in their own offices, and grant admissions, 'although no copyhold tenant be present', created an environment which produced a weakening of manorial control by losing the knowledge of local

tenants on the ground and their expertise in maintaining custom and continuity. Whilst it was a relatively easy matter for a steward to keep a close eye on the larger areas of arable, meadow or pasture land, particularly where alienation required formal documentation and the payment of a sizeable fine for admission, smaller copyhold tenements could, and did, slip through the manorial net as the second half of the nineteenth century progressed.

Most of the larger Holderness manors maintained a formal, annual court after 1841 and there is evidence of stewards attempting to put their house in order, issuing proclamations for heirs to come forward to take their admission and be entered upon the rolls. Arthur Iveson, Constable's steward of the Manor of Burstwick, who reduced the courts sittings to an annual event in 1842, was obliged to call out nineteen names at a court held on 23 October 1850, as a first proclamation ⁹⁶ for persons to come forward and enter claims to copyhold estates of the manor. As the century progressed the situation of admissions and rent collections worsened, but the real extent of the loss of control did not become apparent until the Law of Property Act was passed in 1922.

The evidence from Holderness court books, and other sources, shows quite conclusively that the majority of Holderness old enclosure garths and tenements remained as copyhold, without enfranchisement, down to the legal end of the tenure on 31 December 1925. To illustrate this survival, but with a view to reducing unnecessary length, it is proposed to show in detail, the extinguishment of old enclosure copyholds in three townships, one in each of the Divisions of Holderness. The method employed seeks to compare the activity in terms of Deeds of Enfranchisement up to 1925, for both old enclosure parcels of land and the village garths, with the corresponding figures post 1925. In the case of parcels of land, comparative acreage figures are given whenever possible and for the village garths, the units of comparison used are the number of messuages and cottages involved.

South Division

The township of Easington: Copyholds of the old enclosures, held of the Manor of Easington, Kilnsea and Skeffling.

It is rather unfortunate that the last court book entry ends on 6 October 1925. Evidence of subsequent compensation agreements comes, therefore from three other sources. First, the Registry of Deeds at Beverley, second the box of compensation agreements, ERRAS, DDCC Acc 2788, and third the Register of Copyholds and Compensation 1925 from Burton Constable. From these four sources, a fair picture of the extinguishment of copyholds in the old enclosures of Easington may be drawn.

Table 6:15 Closes or parcels of old enclosure arable, meadow or pasture land, within the township of Easington, held of the Manor of Easington, Kilnsea and Skeffling.

Section A Deeds of enfranchisement 1841-1925.

A e l: Ancient enclosed land.

Date of Deed Reference Copyholder	Description of Property	Area enfranchised		
		a	r	p
31 Oct. 1893 DDCC(2)/81 Rev. A.S. Mammatt & F.W.Greaves	(1) A close of arable, meadow or pasture land in the Marshes (2) A close of arable, meadow or pasture land in the Marshes	8 2	3 1	0 0
29 Nov. 1913 RDB 156/394/328 Noah Redhead & others	A garth called High Garth	1	2	0
21 Dec. 1917 RDB 183/8/6 J. L. Richardson	Parcel of a e l. in the Demesnes	1	0	0
Total area enfranchised 1841-1925		13	2	0

Section B. Compensation Agreements 1926-1937

A e l: Ancient enclosed land

Date of Deed Reference Copyholder	Description of Property	Area enfranchised		
		a	r	p
4 Nov. 1931 RDB 438/179/144 Mrs. G.M. Gregory	Piece of land, part of a parcel of land formerly the estate of Robert Taylor			7

9 Jan. 1934 No. 5372 C.F. Biglin	A e l on Welwick Road	3	1	3
27 Nov. 1934 No. 5373 J.C. Quinton & C. N. Jackson	(1) Land on the east side of Back Street containing 96 sq.yds. (2) Land in the Marshes	1	3	36
7 Jan. 1935 No. 5375 J. A. Johnson	(1) Land at the South End (2) Grange Marsh in the Marshes (3) Land at the South End	1 6	0 0 3	21 24 11
23 Dec. 1935 No. 5381 Lewis Medforth	Land in Kirkholme			13
5 April 1937 RDB 573/518/400 J.W. Herd	(1) Parcel of a e l (2) Parcel of a e l being the site of an ancient messuage called Castle Hill at the South End (3) Garth or piece of a e l (4) Close of a e l called Little Marsh in the Marshes	4 1 2	0 3 2 1	0 10 12 22
Total area Section B		22	0	39

Section C. Copyhold closes or parcels of arable, meadow or pasture land remaining within the township of Easington at 31 December 1925 as recorded in the Burton Constable Register of Copyholds and Compensation.

NB: The exact dates for the completion of the necessary compensation agreements for Section C has not been ascertained, but they are all likely to have been settled in the period 1926 to 1935.

Date of Deed Reference Copyholder	Description of Property	Area enfranchised		
		a	r	p
Marion Bingham	A garth bounded on the north by Blackwell Row, containing 320 sq. yds.			11
J.P. Blashill	(1) A e l known as a Marsh Close (2) A e l at the South End (3) A garth at the South End (4) Land being the southern part of a close called South Garths (5) A e l called Little Marsh	4 1 2	0 3 2 2 1	0 10 12 26 20
G.F. Clark	Land where a cottage formerly stood open with Hawes Garth		1	0
A. E. Clubley	(1) Land called Wandale Marsh (2) Garth or a e l on the south side of (1)	6	0 1	0 14
F.J. Clubley	(1) Garth and little close of a e l (2) A e l called a Marsh Close (3) Land being part of a garth called Bradley Garth on Humberside Road	3 12 3	0 0 0	0 0 0
Charles Medforth	Land in Kirkholme			13

John Medforth	A close called Barchard's Close	3	1	14
Fanny Quinton	(1) Land on the Enholme's Road (2) Land on the east side of Back St., part of a garth, containing 96 sq. yds.	1	0	30
John Quinton	Land in the Marshes	2	0	0
George Stamp	Land on the south side of Blackwell Row			?
R.W. Walker	(1) Land situated in Blackwell Row (2) A e l situated in the Marshes	2	2	12 28
R.H. Webster	Land on the Town Street containing 460 sq. yds.			15
Jane Woodhead	Land bounded by the Queen's Highway containing 2,107 sq. yds.		1	30
Total area Section C (where recorded)		43	3	38

Sources: Court books of the Manor of Easington, Kilnsea and Skeffling, ERRAS, DDCC(2)/81; RDB; Compensation Agreements, ERRAS, DDCC Acc 2788 with reference numbers quoted in the 5,300s; Burton Constable's Register of Copyholds and Compensation 1925.

It is apparent from Table 6:15A that relatively few enfranchisements were carried out at Easington under common law in the period 1841 to 1925. These can be summarised as two closes, one garth and one parcel of land, amounting in the whole to 13½ acres. In contrast, at least 66 acres of old enclosure land remained at 31 December 1925 requiring the former copyhold tenants to make compensation payments to the lord and steward for loss of manorial incidents. (Table 6:15, B and C.)

The situation regarding copyhold messuages and cottages within the village garths of Easington was even more pronounced, as shown in Table 6:16.

Table 6:16 Messuages, cottages, dwelling houses and tenements with garths, gardens, orchards or land attached, within the village garths of Easington, held of the Manor of Easington, Kilnsea and Skeffling.

Section A. Deeds of enfranchisement 1841-1925

Date of Deed Reference Copyholder	Description of Property	Number of messuages (M) or cottages (C).	
		M	C
14 May 1883 DDCC(2)/81 George Dickinson	Message, tenement or dwelling house with barns, stables, outhouses, gardens, orchards, homesteads and garth at the South End containing 3 acres	1	
16 Oct. 1922 DDCC(2)/81 John Smirthwaite	Tenement or dwelling house (formerly 2) with buildings and garth in Beck Bank		2
Totals section A		1	2

Section B. Compensation Agreement 1926-1937.

Agreement date Former copyholder	Description of Property	Number of messuages (M) or cottages (C).	
		M	C
7 Jan. 1932 No. 5369 Rev. W. Holt	Dwelling house with out-buildings and land containing 1a 1r 0p on Skeffling Road.	1	
31 Oct. 1933 No. 5370 Edmund White	Cottage and blacksmith's shop at the West End		1
5 Dec. 1933 No. 5371 Mrs Ann Bean	Land at the West End with two cottages built upon it		2
27 Nov. 1934 No. 5373 J.C. Quinton and C.N. Jackson	(1) Five cottages between Vicar Lane and Beck Lane		5
	(2) Three cottages with stables in Beck Bank containing 3 roods		3
	(3) A cottage and land in the Back street		1
	(4) Two messuages (now one) used as a shop on Town Street	2	
11 Dec. 1934 No. 5374 Mrs. L.E. Andrews	Cottage and garth on the west side of High Street containing 1a 0r 15p		1
21 Aug. 1935 No. 5377 Albert Clubley	Message and croft with barns at the South End	1	

2 Sept. 1935 No. 5378 Walter Marritt	Cottage and garth on the Town Street		1
11 Sept. 1935 No. 5379 Mrs. Ivy Carter	Message and garth situated near Beck Bank, called 'Providence Cottage'	1	
17 Dec. 1935 No. 5380 John Clubley	Three cottages situated on Beck Bank		3
23 Dec. 1935 No. 5381 Lewis Medforth	Message and garth on the west side of the High Street	1	
31 Dec. 1935 No. 5576A William Thirsk	Two cottages and land on the west side of High Street		2
5 April 1937 RDB 573/518/400 J.W. Herd	Message or dwelling house with machine shed, out-buildings, garden and garth containing 1 acre	1	
Totals Section B		7	19

Section C. Messages, cottages, dwelling houses and tenements with garths, gardens, orchards or land attached, remaining within the township of Easington at 31 December 1925, as recorded in the Burton Constable Register of Copyholds and Compensation.

Name of Copyholder	Description of Property	Number of messages (M) or cottages (C).	
		M	C
Walter Biglin	Message and garth at the South End containing 4 acres	1	
Marion Bingham	A cottage and garth on the south side of Blackwell Row containing 332 sq. yds.		1
John Bird	A cottage in Beck Bank		1
J.P. Blashill	A message with a machine shed on the High Street	1	
J.H. Bride	A message, garth and orchard on the east side of Beck Street	1	
G.F. Clark	(1) Cottage and garth in the High Street		1
	(2) Another cottage and garth in the High Street		1
	(3) An ancient message called Hawes	1	
Benjamin Clubley	House and garth on Humberside Road	1	
F.W. Clubley	Cottage and garth at the South End		1
Hull Brewery Company	(1) House used as an inn called the Granby	1	
	(2) Cottage formerly used as a blacksmith's shop.		1

Elizabeth Marritt	Cottage and garth on the Town Street containing one acre		1
Rose Matcham	Cottage and garth on the west side of the High Street containing 1a Or 15p		1
Charles Medforth	Messuage and garth on the west side of the High Street containing one rood	1	
R. A. Park	Cottage and garth in the High Street		1
Fanny Quinton	(1) Messuage and garth on the Dimlington Road (2) Five cottages on Vicar Lane (3) Three cottages in Beck Bank on a garth containing three roods (4) Cottage and land in the Back Street	1	5 3 1
Samuel Sims	A cottage and land on the Town Street containing 13½p		1
Fanny Torr	A cottage and garth in the High Street		1
R.H. Webster	(1) A messuage, formerly 2 now 5, with buildings and garth in Blackwell Row, containing 30p (2) Cottage and blacksmith's shop opposite the east end of the Church	2	1
Jane Woodhead	Five dwelling houses and a court called Forester's Court		5
Totals Section C		10	26

Sources: Court books of the Manor of Easington, Kilnsea and Skeffling, ERRAS, DDCC(2)/81; compensation agreements ERRAS, DDCC Acc 2788; Burton Constable's Register of Copyholds and Compensation 1925.

Table 6.16 shows an overwhelming propensity for the Easington messuage and cottage copyholders to retain their tenure until the legal extinction date. Deeds of enfranchisement over a period of 84 years were effected for a single messuage and two cottages. In contrast, seventeen messuages and 45 cottages were identified as remaining as copyholds in Easington on 31 December 1925.

Middle Division

The township of Roos: Copyholds of the old enclosures of the Manor of Roos.

The analysis of the old enclosures of Roos is reasonably straight-forward in that the court books fully cover the period of compensation agreements, and beyond to 1937.

Table 6:17 Closes or parcels of old enclosure arable, meadow or pasture land, within the township of Roos, held of the Manor of Roos.

Section A. Deeds of Enfranchisement 1841-1925.

Date of Deed Reference Copyholder	Description of Property	Area enfranchised (where recorded)		
		a	r	p
22 Feb. 1898 DDCV134/16 p.541 Mrs.F.H. Woodhouse	(1) Piece of ground, formerly site of 2 cottages, with gardens and garth (2) Piece of ground, formerly site of a cottage with garden	?		
23 Aug. 1900 p.560 Thomas Good	Parcel of land at the corner of Pinfold Lane	?		
31 Oct. 1910 p.649 Edwin Wallace	A garden containing 40p		1	0
22 Jan. 1912 p.662 Henry Brown	Parcel of land, 12 x 6 yards, being part of a garth, the site of a messuage now burnt down			2
30 June 1925 p.770 H.B.Broomhead	(1) Piece of land at the back of a cottage (2) A barn with a piece of land		1 1	15 6
30 June 1925 p.775 H. Woodhouse	Piece of land with a warehouse	?		
Total area Section A (where recorded)			3	23

Section B. Compensation Agreements 1926-1935

Date of Agreement Reference Former copyholder	Description of Property	Area involved		
		a	r	p
3 Oct. 1935 DDCV 134/16 p.863 Herbert Metcalf	Parcel of land containing 8p, being part of a garth			8

Source: Court book of the Manor of Roos, HUL, DDCV 134/16.

Table 6:17 simply reflects the situation whereby all the closes of arable, meadow or pasture land in the old enclosures of Roos were freehold. The very small areas of land which appear in the table are all located in the village garths. The focus of interest for

Roos, therefore, falls on the extinguishment of copyhold messuages and cottages in the village garths. This is shown in Table 6:18.

Table 6:18 Messuages, cottages, dwelling houses and tenements with garths, gardens, orchards or land attached, within the village garths of Roos, held of the Manor of Roos.

Section A. Deeds of Enfranchisement 1841-1925.

Date of Deed Reference Copyholder	Description of Property	Number of messuages (M) or cottages (C)	
		M	C
22 Jan. 1895 DDCV 134/16 p.509 J.H. Thompson	Dwelling house with garden containing ½ acre	1	
22 Feb. 1898 p.541 F.H. Woodhouse	Several cottages with gardens (3 cottages estimated)		3
23 Aug. 1900 p.560 Thomas Good	Messuage or dwelling house with yard, stables and outbuildings	1	
31 Oct. 1910 p.649 Edwin Wallis	Cottage, tenement or dwelling house with gig house, stable and outbuildings		1
22 Jan. 1912 p.662 Henry Brown	A cottage with adjoining buildings	1	1
5 Sept. 1918 p.718 F.W. Varey	Two cottages with outbuildings		2
30 June 1925 p.770 H.B. Broomhead	(1) Two cottages with garth containing two roods (2) Toft or orchard containing 26p upon which a blacksmith's shop is built (3) A tenement being the north end of a dwelling house		2 1 1
30 June 1925 p.771 Herbert Woodhouse	(1) Farmhouse with outbuildings with yard, garden and orchard containing ½ acre (2) Cottage and garden in Pinfold Lane together with three cottages erected upon the garden (3) Piece of land measuring 77' x 66' with two cottages erected upon it	1	4 2
30 June 1925 p.775 Herbert Woodhouse	Parcel of ground with three cottages, one being a shop containing 218 sq. yds.		3
Totals Section A		4	20

Section B. Compensation Agreements 1926-1937

Agreement date Reference Former copyholder	Description of Property	Number of messuages (M) or cottages (C)	
		M	C
1 June 1927 DDCV 134/16 P.780 Thomas Pratt	Cottage with a piece of land on the north side of Pinfold Lane known as Rose Cottage		1
29 June 1927 p.783 W.W. Wood	Cottage and piece of land on the north side of Pinfold Lane		1
3 Oct. 1927 p.787 M.C. Alta	A parcel of land with three cottages or tenements with yard and gardens adjoining		3
25 Jan. 1930 p.806 J.W. Kemp and E. Webster	(1) Messuage or dwelling house in the Main Street with blacksmith's shop, stable, outbuildings and garden (2) Messuage or tenement with butcher's shop, stables and outbuildings (3) Cottage, or site thereof and garth containing one acre	1 1	1
12 April 1930 p.810 R.S. Wright	4 cottages, tenements or dwelling houses with stable, buildings, orchard and croft containing 1a 1r 5p		4
12 June 1930 p.815 Fanny Brown	Two cottages or tenements with garden behind at the North End		2
14 July 1930 p.818 Trustees Wesleyan Methodist Chapel	Parcel of ground containing 132 sq. yds. with a Chapel built on the site	1	
18 July 1930 p.820 Alfred Newton	(1) Messuage, house and garth with barn, stables at the North End containing two acres, with three cottages built on the land (2) Three cottages with outbuildings, garths, gardens, orchards, being part of a close called Burrill Close bounded by Lamb Lane	1	3 3
28 Aug. 1930 p.826 T.E. Kirk	Messuage or dwelling house with yard, garden, orchard, stables and garage known as Eastfield House	1	
25 Feb. 1931 p.826 Ethel Hogg	(1) Messuage, tenement or dwelling house with outbuildings, garden and orchard adjoining, containing one rood on the west side of High Street (2) Messuage or dwelling house fronting the Town Street with workshop and outbuildings	1 1	

3 Dec. 1931 p.832 Mrs Martha Vargeson and Solomon Vargerson	Cottage or tenement, now divided into two, with garden behind containing 36p		1
3 June 1932 p.834 P.W. Cheeseman	Messuage, tenement or dwelling house with garden and buildings in the Town Street	1	
19 Nov. 1932 p.836 W.H Johnson	(1) Three cottages erected on a parcel of land on the west side of the street (2) Messuage, dwelling house and butcher's shop with outbuildings, wheelwright's shop and yard adjoining on the west side of the Town Street	1	3
6 Mar. 1933 p.838 A.T. Brown	(1) Messuage or dwelling house with shop, outbuildings, yard and garden (2) Messuage or dwelling house with saddler's shop, outbuildings, yard and garden	1 1	
17 May 1934 p.841 Miss L.J. Dickinson	(1) Five cottages with gardens (2) Cottage with garth and garden or orchard, being part of a close called Burrill Garth		5 1
6 April 1935 p.848 Miss L.A. Dickinson & J.E.D. Stickney	Cottage or tenement with garden		1
10 Aug. 1935 p. 853 W.H Johnson	Cottage or dwelling house, now divided into two tenements, with outbuildings		1
17 Sept. 1935 p. 857 Harry Jubb	Messuage or dwelling house and shop on the Town Street with Clubroom, stables, outbuildings, fruit and vegetable garden and the sheds containing 1a 0r 27p	1	
17 Sept. 1935 p.859 Thomas Sowerby	Messuage or dwelling house with shop, outbuildings and parcel of land	1	
3 Oct. 1935 p.861 Mrs Jane Murphy	Parcel of land with a cottage thereon		1
3 Oct. 1935 p.863 Herbert Metcalf	Messuage or dwelling house, joiner's shop, shed and outbuildings built on a parcel of land containing 8p	1	
26 Oct. 1935 p.865 Mrs. E.M. Goundrill	Cottage or tenement with yard and garden		1
8 Nov. 1935 p.868 W.S. Metcalf	Messuage, formerly a public house with orchard and garth, barn, stables and outhouses	1	
15 Nov. 1935 p.870 W.H. Thompson	Messuage or dwelling house and homestead with outbuildings, garden and close of grassland containing 1a 2r 0p	1	
20 Nov. 1935 DDCV 134/17, p.1 Maria Jackson	Cottage with yard and garden		1

20 Nov. 1935 p.3 Miss A. M. Atkinson	Cottage, house and garden divided into two tenements containing 6p		1
10 Dec. 1935 p.6 W.E. Jackson	Site of a cottage and garden		1
11 Dec. 1935 p.8 Mrs. K. Richardson	(1) Two cottages (formerly three) and plots attached (2) Cottage or dwelling house with garden at the South End		3 1
12 Dec. 1935 p.11 G.A. Kirkwood and Mrs A. Kirkwood	Messuage or dwelling house, now divided into three cottages containing 400 sq. yds.	1	
21 Dec. 1935 p.13 T. Linsley & Co.	Two messuages or dwelling houses adjoining each other, one used as a beerhouse called The Black Horse with outbuildings. Also a paddock with barn adjoining.	2	
31 Dec. 1935 p.27 Mrs. G.M. Whiting	Six, formerly seven, cottages with gardens containing in the whole 25p		7
31 Dec. 1935 p.33 Miss A. Prince	Cottage or tenement with garth containing one rood		1
31 Dec. 1935 p.36 James Watson	(1) Two pieces of land containing 1r 33p, with two cottages known as Becksides Villas with stables and pigstys (2) Two cottages with outbuildings		2 2
31 Dec. 1935 p.39 R.A. Thompson	Parcel of land containing 5p with a cottage built upon it		1
4 April 1936 P. 50 Hull Brewery Co. Ltd.	Messuage or dwelling house called The Roos Arms, with stables, carriage house, brewhouse, cowhouse, barn, pidgeon cote, granaries, outbuildings, yard and garden containing ½ acre	1	
31 Dec. 1935 p.54 John and Sidney Illingworth	Messuage or dwelling house with outbuildings, garden and orchard on the west side of the Town Street	1	
31 Dec. 1935 p.55 E. Reppington and others	Cottage or dwelling house with yard and outbuildings containing 130 sq. yds.		1
28 May 1937 p.57 W. J. Atkinson	Dwelling house with joiner's shop adjoining		1
Totals Section B		21	54

Source: Court books of the Manor of Roos, HUL, DDCV 134/16 and DDCV 134/17.

Table 6:18 shows that in the area of the village garths of Roos, a large majority of the tenements remained of copyhold tenure on 31 December 1925 requiring the negotiation of compensation agreements as demonstrated in section B.

North Division

The parish of Hornsea: Copyholds of the old enclosures of the Manor of Hornsea.

Once again the court books of the Manor of Hornsea assisted the investigation by covering the period of compensation agreements, and extending beyond, even to a final agreement made on 16 July 1941. Some difficulty was encountered in the interpretation of the various property descriptions appearing in the court books. In a number of Holderness manor court books it was common practice to use the terms 'tenement' and 'dwelling house' for both messuages and cottages, but an obvious difficulty arises when only the description 'dwelling house' or 'tenement' is written. In the analysis, 'dwelling house' was listed as a messuage if outbuildings were included in the description, and a simple, 'tenement' was classed as a cottage. It was quite noticeable that as the twentieth century progressed and the town of Hornsea developed as a popular seaside resort, the old-fashioned 'cottages' diminished and were replaced by named messuages, although the folksy image sometimes remained with, 'a messuage known as Tea Tree Cottage' or 'a messuage known as Peacock Cottage'. The traditional name of 'garth' was replaced by a variety of terms such as 'a piece or parcel of land', 'a paddock' or simply 'land' usually accompanied by the area quoted in square yards. The descriptive word, 'orchard' also seemed to lose favour and was swallowed up in the general term, 'garden'. Street numbers appeared from about 1894.

Hornsea was one of the few Holderness parishes to see a fairly steady flow of enfranchisements of former open field land during the second half of the nineteenth century. The old enclosures of the parish were rather slower to follow suit, but did begin in 1879 and by the end of 1925 some fifty five acres had been enfranchised.

Table 6:19 shows the detail of the old enclosure closes and Table 6:20, those of the village garths.

Table 6:19 Closes or parcels of old enclosure, arable, meadow or pasture land, within the parish of Hornsea held of the Manor of Hornsea.

Section A. Deeds of Enfranchisement 1841 to 1925.

A e l: Ancient enclosed land

Date of Deed Reference Copyholder	Description of Property	Area Enfranchised		
		a	r	p
19 July 1879 DSJ/40 Vol. 'K', p.296 H.S. Constable	Piece of land containing 285½ sq. yds. on the Town Street being part of Tindall Garth containing six acres			16
30 Aug. 1884 DSJ/41 Vol. 'L', p.86 J.W. Ringrose-Ion and wife	Parcel of land on the east side of Southgate containing two acres being part of a close of meadow or pasture ground called Football Green containing 3a 3r 0p, with stables and buildings	2	0	0
14 Feb. 1887 p.341 N.E. Railway Co.	(1) Plot No.57, formerly belonging to J.A. Wade (2) Plot No.62a, formerly belonging to J.A. Wade (3) Plot No.76, formerly belonging to T.E. Turner & J.B. Robinson			35 39 0
20 March 1889 DSJ/42 Vol. 'M', p.515 Richard Cattley	Parcel of land on the south side of Newbegin containing 700 sq. yds.			23
Award Board of Agriculture 24 Aug. 1898 DSJ/43 Vol. 'N', p.179 H.S. Constable	(1) Several closes of a e l known as Hull Garths, How Carr Bottom and Kirkham (2) Parcel of a e l	21	0 2	20 4
Award Board of Agriculture 24 Aug. 1898 p.189 H.S. Constable	(1) One little close of meadow ground called Fish-house Close (2) A e l in a place called Lund	? 18	3	36
4 Oct. 1898 p.213 Christopher Pickering	A garth called Barmby Garth on the north side of Eastgate	4	0	0
9 Jan. 1901 p.419 George Allman	A parcel of ground on which a cottage formerly stood in Westgate	?		

12 March 1902 p.528 H.N. Wade and A.A. Kingdon	Two plots containing 2r 33p and 32p adjoining each other on the south side of Lelley Lane, part of an a e l called The Croft		3	25
24 Oct. 1903 DSJ/44 Vol. 'O', p.113 George Taylor	Parcel of land used as a garden in Eastgate			30
3 Dec. 1906 p.294 H.N. Wade and A.A. Kingdon	Garth called Brick Garth with orchard adjoining on the south side of Eastgate	2	0	0
15 July 1909 p.424 George Stephenson the younger	Grass paddock with stable and copper house on the west side of Southgate		3	0
14 September 1910 p.474 W. Hodgson and others	(1) Parcel of ground used as a garden on which a cottage formerly stood on the east side of Southgate (2) Close of meadow or pasture ground on Southgate being part of a close called Football Green			33
8 May 1911 p.553 C.E.A. Lyon	Parcel of land, formerly two plots, on the south side of Eastgate containing 2,989 sq. yds.		2	19
22 Sept. 1922 p.485 Mrs. A.M. Fullam	Plot of ground with stables on the north side of Chambers Lane near Southgate, containing 1,825 sq. yds.		1	20
15 Sept. 1925 DSJ/47 Vol. 'R', p.282 J.L. Charter	(1) Parcel of land containing 300 sq.yds. (2) Parcel of land adjoining (1) containing 0.152 acres			10
				24
Total Section A (where recorded)		55	1	16

Section B. Compensation Agreements 1926 – 1935.

Agreement date Reference Former Copyholder	Description of Property	Area enfranchised		
		a	r	p
13 Aug. 1927 DSJ/47 Vol. 'R', p.440 Mrs. A. Laybourn	Two closes of arable land in the parish of Hornsea Burton	11	2	0
7 July 1928 p.478 J.H. Nattriss and others	Parcel of a e l on the north of Westgate	2	1	32

7 Sept. 1928 p.485 R. Winter	Parcel of land containing 4,890 sq. yds. being the north-eastern corner of plot 119 on the O.S. 1910 map	1	0	1
19 Sept. 1928 p.487 Alfred Shaw and Sarah E. Garbett	Garden plot containing 1,782½ sq. yds. being part of a close called Pattison Close		1	19
25 Sept. 1928 p.489 Leonard Clark	Parcel of land in Westgate measuring 31'6" x 28'			3
8 Aug. 1929 p.502 Joseph Dawson	Close or parcel of land off Football Green containing 4.835 acres	4	3	14
4 Dec. 1929 p.506 George Stephenson	Parcel of land containing 2,707 sq.yds. in Chamber Lane with barn, stables and cowshed		2	9
18 March 1931 p.520 E.W. Endall	Parcel of land containing 3,058¾ sq. yds. on the west side of the Hornsea/Mappleton Road in Hornsea Burton		2	21
5 June 1931 p.526 William Bond	Parcel of land called Southgate Paddock on the east side of Southgate	1	1	26
14 Sept. 1933 p.543 Miss Harriette Cookes	Parcel of land containing 430 sq. yds., part of a larger plot on Westgate			14
8 March 1934 p.551 W.S. Heslop	Parcel of land containing 540 sq. yds. on the east side of Southgate being the southernmost piece of Southgate Paddock			18
12 Oct. 1934 p.574 William and Henry Barr	Parcel of land on the south side of Westgate, being part of a larger piece of land containing 623 sq. yards	?		
5 Feb. 1935 p.586 Harry Stephenson	Parcel of a e l containing 5p			5
12 Feb. 1935 p.587 Arthur Rich	(1) Parcel of land on the south side of New Road containing 290 sq. yds. (2) Parcel of land on the west side of the Market Place containing 113 sq. yds.			10 4
31 Dec. 1935 p.609 E. Broumpton	A paddock with frontage to Eastgate containing 4,144 sq. yds.		3	17
31 Dec. 1935 p.628 Harry Smith	Close of a e l in Northorpe	3	1	32

31 Dec. 1935 p.619 Arthur Bird	Eleven pieces of land in Hornsea Burton containing in the whole 79.587 acres	79	2	14
31 Dec. 1935 p.636 Trustees Hornsea Trinity Methodist Church	Plot of land in Newbegin, staked off from Tindall Garth containing 666 sq. yds. 6'			22
31 Dec. 1935 p.644 J.J. Grainger	Parcel of land in Southgate measuring at the north end 30'; at the south end 15'9" and on the eastern side 120'8"			10
Total Section B (where recorded)		107	0	31

Source: Court books of the Manor of Hornsea, HUL, DSJ/40 to DSJ/47.

The pre-1926 figure of c.55 acres was mainly due to two enfranchisements of Henry Strickland Constable's large copyhold estate at Hornsea in 1898.⁹⁷ It is of note that the land valuations for these were carried out by the Board of Agriculture, being two of only ten cases recorded for Holderness. The post-1926 situation showing the larger figure of c.107 acres was achieved largely with the aid of a compensation agreement in 1935 for eleven closes of land in Hornsea Burton, amounting to c.80 acres.⁹⁸

Table 6:20 Messuages, cottages, dwelling houses and tenements with garths, orchards or land attached, within the parish of Hornsea, held of the Manor of Hornsea.

Section A. Deeds of Enfranchisement 1841 – 1825.

Date of Deed Reference Copyholder	Description of Property	Number of messuages (M) or cottages (C)	
		M	C
25 Sept. 1894 DSJ/42 Vol. 'M', p.350 T.H. Harrison	(1) Three messuages or dwelling houses, Nos. 1, 2 & 3, Swiss Terrace in Newbegin (2) Three messuages as (1) being Nos. 4, 5 & 6, Swiss Terrace		3 3
20 March 1889 p.515 Richard Cattley & E.H. Nash	Messuage or dwelling house with outbuildings, yard and garden on the south side of Newbegin, containing 704 sq. yds.	1	

5 July 1901 p.481 Richard and John Barr	(1) Cottage with garden and yard in Newbegin (2) Two cottages on the west side of (1)		1 2
4 June 1902 p.544 W.R. Pearson	(1) Tenement and shop with parcel of ground behind on the south side of Newbegin (2) Messuage, tenement or dwelling house with buildings with yard and garden behind on the south side of Newbegin	1	1
7 Aug. 1902 DSJ/44 Vol. 'O', p.1 Mrs E. Marshall	Messuage or dwelling house with buildings and land in Newbegin erected on the site of a cottage called 'Guildhouse'	1	
8 Aug. 1902 p.7 Charles Roxby	(1) Messuage with outbuildings and yard in Southgate (2) Messuage used as a shop with yard and stable in Southgate	1 1	
6 Jan. 1903 p.51 R.S. Drinkrow	Plot of land on the north side of Newbegin with dwelling house, shop, bakehouse and premises erected upon it.	1	
19 May 1903 p.82 J.J. Grainger	Parcel of ground, being part of a garth called Warrener's Garth on the north side Newbegin, with a cottage called Hendon Cottage built upon it		1
21 May 1903 p.88 W.K. Barr	Cottage with barn etc. and garden containing 32p on the north side of Eastgate		1
24 Oct. 1903 p.113 William Cussons	Parcel of ground on the south side of New Road containing 337 sq. yds. with messuage and outbuildings upon it	1	
8 Nov. 1904 p.164 W.K. Barr	Piece of land containing 1a 2r 0p with messuage etc. upon it in Southgate used as a farmhouse, paddock and garden	1	
21 Sept. 1907 p.330 Mrs. H.E. Fisher	Messuage, dwelling house and shop on the west side of the Market Place	1	
31 Dec. 1908 P.390 Mrs. E. Boak	Two messuages or dwelling houses with gardens adjoining on the west side of Southgate	2	
9 Feb. 1909 p.403 W.C. Dosser & G. A. Dosser	Three messuages or dwelling houses called South Terrace with outbuildings and garths	3	
26 Feb. 1909 p.409 R.S. Drinkrow	Plots of land containing 750 sq. yds. forming part of Eastbourne Terrace with messuage known as Sunbeam House and cottage behind called Sunbeam Cottage	1	1
21 Dec. 1909 p.433 John Barr	Parcel of land containing 86 sq. yds. on the south side of Newbegin with messuage and shop premises on the ground	1	

<p>4 Sept. 1910 p.474 W.H. Hull & others</p>	<p>(1) Parcel of land in Southgate containing 1a 2r 30p with five cottages, barns and stables upon it (2) Two closes of pasture ground and a large garden, formerly in three closes, containing together 10a 2r 0p, with three messuages built on the two closes</p>	<p>3</p>	<p>5</p>
<p>8 May 1911 p.553 C.E.A. Lyon</p>	<p>Parcel of ground on the north side of Eastgate containing 8,275 sq. yds. with a messuage or dwelling house known as Holme Lea built upon it</p>	<p>1</p>	
<p>10 Aug. 1912 DSJ/45 Vol. 'P'. p.85 E.B. Mappleton</p>	<p>Messuage, tenement or dwelling house with yard and garden on the west side of Southgate</p>	<p>1</p>	
<p>11 Jan. 1913 p.130 H.N. Wade and Henry Wilson</p>	<p>Parcel of land on the north side of Eastgate containing 5,384 sq. yds. with cottage or dwelling house with stables, coach house etc. built upon it</p>		<p>1</p>
<p>4 Nov. 1914 p.265 J.B. Newbald</p>	<p>(1) Messuage or dwelling house with yard and garden on the south side of Newbegin (2) Messuage or dwelling house on the south side of Newbegin</p>	<p>1 1</p>	
<p>9 July 1915 p.318 W.H. Hull and others</p>	<p>Piece of land on the east side of Southgate with the Mission Hall erected upon it</p>	<p>—</p>	<p>—</p>
<p>3 March 1917 p.373 C.H. Holmes</p>	<p>(1) Two cottages or tenements with stables yard and garden adjoining in Southgate (2) Messuage or dwelling house with outbuildings in Southgate (3) Messuage or dwelling house and shop with yard and outbuildings in Southgate</p>	<p>1 1</p>	<p>2</p>
<p>7 May 1917 p.399 W.H. Heslop</p>	<p>Messuage, tenement or dwelling house, shop and premises in the Market Place</p>	<p>1</p>	
<p>15 Oct. 1918 p.444 J.W. Bell and H. Chapman</p>	<p>Messuage and shop in Southgate with nine tenements built behind the messuage</p>	<p>1</p>	<p>9</p>
<p>12 July 1919 p.511 William Todd</p>	<p>Two dwelling houses with outbuildings, yards and gardens in Southgate</p>		<p>2</p>
<p>10 June 1920 DSJ/46 Vol. 'Q', p.29 C.E.A. Lyon</p>	<p>Parcel of land containing 555 sq. yds. being part of Tindall's Garth with a Music Hall known as the Hornsea Public Rooms built on it</p>	<p>---</p>	<p>---</p>
<p>5 May 1920 p.75 A.B. Smith</p>	<p>Close of a e l containing 1a 2r 0p bounded on the south by the Town Street with a messuage, tenement or dwelling house called The Mount and a cottage with outbuildings upon the close</p>	<p>1</p>	<p>1</p>

23 June 1920 p.85 W.H. Hull and others	Messuage or dwelling house called Hornsea House with stables, coachhouse etc.	1	
26 Oct 1920 p.217 G.R. Newton	Messuage or dwelling house with yard etc. and garden in Eastgate known as 1 Lyndhurst Terrace containing 2,013 sq. yds.	1	
21 April 1920 p.326 Hull Brewery Co.	Messuage or dwelling house, formerly described as a cottage and parcel of a cottage in Southgate, used as a public house, formerly known as The Prince of Wales, now The Rose and Crown	1	
22 Sept. 1922 p.483 Mrs. M.A. Fullam	Messuage or dwelling house with outhouses and garden formerly known as Mere Cottage, now The Elms, on the north side of Chambers Lane near Southgate	1	
21 Feb. 1925 p.263 R.T. Johnson	Parcel of land on the south side of Newbegin containing 203 sq. yds. with a messuage or dwelling house called Eversley on the land	1	
23 Feb. 1925 p.270 R. Johnson	Coachhouse and stable on land containing 53 sq. yds. fronting Back Westgate	---	---
15 Sept. 1925 p.282 J.L. Charter	(1) Parcel of land with messuage, or dwelling house, stables, barn etc. on the south side of Newbegin known as Southfield House (2) Parcel of land with cottage or tenement upon it on the south side of Newbegin containing 955 sq. yds.	1	1
Totals Section A		45	52

Section B. Compensation Agreements 1926 – 1936.

Date of Agreement Reference Former copyholder	Description of Property	Number of messuages (M) or cottages (C)	
		M	C
29 June 1927 DSJ/47 Vol. 'R', p.419 O.P. Loten	Messuage or dwelling house with outbuildings etc. and garden on south side of Newbegin called Rolden	1	
1 July 1927 p.421 William Jones	(1) Messuage or dwelling house called Cedar Lodge with gardens in Eastgate (2) Three cottages adjoining (1) with yards and gardens	1	3
2 July 1927 p.423 Miss M.J. Sherwood	Two messuages or dwelling houses in Newbegin, containing 316 sq. yds.	2	
2 July 1927 p.430	Parcel of land on the north side of Eastgate with messuage known as Ivy Lodge erected upon it.	1	

<p>9 Aug. 1927 p.438 T.W. Clark</p>	<p>(1) Messuage or dwelling house, and butcher's shop with stable, cart shed, slaughter house etc. and garden (2) Two messuages, tenements or dwelling houses at the north-eastern corner of the Town Street and Hillerby Lane</p>	<p>1 2</p>	
<p>1 Oct. 1927 p.447 Mrs. M. Kernaghan and Alice Catlow</p>	<p>Messuage or dwelling house on the south side of Newbegin, known as 5 Grove Place</p>	<p>1</p>	
<p>5 Oct. 1927 p.449 Trustees of Hornsea Church Lands</p>	<p>(1) Cottages (2?) in the Market Place (2) House and shops adjoining (1), the Argenta Meat company</p>	<p>1</p>	<p>2</p>
<p>16 Dec. 1927 p.459 Mrs. J. Scott</p>	<p>Messuage or dwelling known as Oak Dene on a plot of land containing 187 sq. yds., on Mill Lane</p>	<p>1</p>	
<p>20 Dec. 1927 p.461 Mrs. C. Morrison</p>	<p>Cottage or tenement with yard, buildings and garden in Newbegin</p>		<p>1</p>
<p>7 July 1928 p.478 J.H. Nattriss & R.P. Maw</p>	<p>(1) Parcel of land on the west side of Southgate with messuage and shop erected thereon (2) Messuage, tenement or shop with yard on the west side of Southgate (3) Two dwelling houses with cottage, stable, outbuildings and garden on the north side of Newbegin (4) Parcel of land on the south side of Westgate containing 14p with messuage called Stanley Lodge with outbuildings upon it</p>	<p>1 1 2 1</p>	<p>1</p>
<p>11 Sept. 1928 p.486 W.F. Hill</p>	<p>Parcel of land on the north side of Newbegin, containing 333 sq. yds. being a portion of Tindall's Garth, with messuage or dwelling house and shop and out offices on the land</p>	<p>1</p>	
<p>19 Sept. 1928 p.487 Alfred Shaw and Sarah E. Garbutt</p>	<p>(1) Principal messuage or dwelling house on the south side of Newbegin, with three cottages on the east side of the messuage adjoining and fronting on the street. Kitchen and garden to the rear. (2) Two messuages or tenements adjoining (1) on the east side with gardens behind (3) Messuage or dwelling house with yard behind in Newbegin, containing 474 sq. yds.</p>	<p>1 2 1</p>	
<p>25 Sept. 1928 p.489 Leonard Clark</p>	<p>Parcel of ground in Westgate with messuage or dwelling house erected on it</p>	<p>1</p>	

25 Jan. 1929 p.493 Richard Wrigglesworth	Message or dwelling house partly used as a shop, with garden and land on the north side of the Market Place	1	
8 May 1929 p.498 Johnson's Garage Co. Ltd.	(1) Cottage or tenement, formerly called The White House, with yard and garden behind, originally in Southgate but now known as the Market Place (2) Two messuages or dwelling houses and a shop on some part of the premises	2	1
30 Aug. 1929 p.499 Mrs G.W. Dossor	Message or dwelling house with outbuildings, yard and garden in Eastgate known as 2 Lyndhurst Terrace	1	
1 July 1929 p.501 Mrs Julia Scott	Message or dwelling house known as Bank House and garden containing 668 sq. yds.	1	
8 Nov. 1929 p.504 Mrs. F.B. French	Cottage or dwelling house with outbuildings and garden containing 486 sq. yds. in Eastgate		1
4 Dec. 1929 p.507 George Stephenson	Three messuages or dwelling houses in Southgate with yards, outbuildings and garden adjoining	3	
18 Feb. 1930 p.508 Miss A. Whiteing	Land with message or dwelling house and shop, workshops and outbuildings erected upon it on the east side of Southgate and north side of King Street containing 470 sq. yds.	1	
16 May 1930 p.511 G.W Bailey	Message or dwelling house with shop, yard and outbuildings, being No.6 Southgate	1	
24 Sept. 1930 p.512 Trustees Primitive Methodist Church	Parcel of ground in Eastgate containing 255 sq. yds. with the Chapel and other buildings on the land	---	---
1 Oct. 1930 p.514 William Bond	Message or dwelling house known as No. 3 Gothic Terrace	1	
13 Oct. 1930 p.516 Mrs. J. Heaton and B. Lamming	Message or dwelling house with outbuildings and garden, known as No. 44 Southgate	1	
16 Aug. 1930 p.517 William and Harry Robinson	(1) Plot of land together with message or dwelling house and shop erected upon it (2) Cottage built on part of the land fronting into Back Southgate	1	1
12 Nov. 1930 p.518 John Smith and W.C. Loten	Message, tenement or dwelling house with garden in Newbegin, known as Garth House	1	
24 Feb. 1931 p.518 W.E. Anderson	(1) Two messuages or dwelling houses, one used as a shop with outoffices and yards (2) Cottage in Back Southgate	2	1

24 Feb. 1931 p.519 Mrs. K. Hebden	Message or dwelling house and shop on the west side of the Market Place	1	
18 March 1931 p.520 George Clark and his wife	Message or dwelling house (also used as a shop) with garden and outbuildings being the westernmost part of a message known as Oxford Villas	1	
19 March 1931 p.522 Charles Morrow	Two messages, tenements or dwelling houses and shops in the Market Place	2	
1 June 1931 p.524 L.W. Rothery	Two messages or tenements in Back Westgate with a parcel of land adjoining, part of a larger plot containing 618 sq.yds.	2	
1 June 1931 p.525 W.H. Bainton	Two messages or dwelling houses being Nos. 57 and 58 Southgate	2	
23 Sept. 1931 p.528 Trustees of the Meeting (Quakers)	Cottage in Westgate, formerly a garner and after a Meeting House, with a parcel of a cottage adjoining with yard and burial ground		1
11 April 1932 p.531 Mrs. A. Dixon	Parcel of land on the south side of Newbegin with a message or dwelling house and shop erected thereon	1	
26 May 1932 p.532 R.P.J. Davies	Capital message with gardens, stables, yards and outbuildings, known as Westgate House	1	
4 Nov. 1932 p.534 W.C. Loten	Two messages or dwelling houses and shops with stabling, workshops, yards and gardens etc. on the south side of Newbegin	2	
15 March 1933 p.535 J.W.A. Billam and Lois E. Billam	Parcel of land on the west side of Eastbourne Terrace containing 283 sq. yds. with a message or dwelling together with outbuildings erected upon it being No. 2 Eastbourne Terrace	1	
4 April 1933 p.539 William Dobson	Message or dwelling house and shop on the south side of Newbegin with land containing 315 sq. yds.	1	
27 July 1933 p.541 Miss A.E. Bulson	Ground site with message or dwelling house in Southgate with a butcher's shop, slaughter house and outbuildings	1	
19 Aug. 1933 p.541 Miss A.R. Byass	Three cottages or tenements being Nos. 1,2 and 3 Newbegin Cottages on the north side of Newbegin		3
14 Sept.. 1933 p.544 Harry Robinson	Cottage or tenement being the westernmost of two cottages with yard, garden and outbuildings on the north side of Newbegin		1
30 Sept. 1933 p.545 F.A. Brandham	(1) Message or tenement known as Holly Lodge on the north side of Newbegin (2) Cottage or tenement on the north side of Newbegin, being the easternmost of two cottages or tenements	1	1

12 Jan. 1934 p.546 L.M. Hulse and Charlotte A. Hulse	Cottage or dwelling house with joiner's shop, barn, stables etc. with a parcel of land behind containing 268 sq. yds. in Back Westgate		1
1 Feb. 1934 p.547 Trustees of Pamela Jane Harker	(1) Messuage or dwelling house together with a cottage and garden adjoining in Westgate (2) Messuage or dwelling house known as Tea Tree Cottage with stables, coachhouse, buildings and close adjoining on the north side of Newbegin	1 1	1
22 March 1934 p.552 William Parker	Messuage or dwelling house with shop and warehouse and garden in a street formerly called Southgate but now known as the Market Place	1	
30 April 1934 p.553 Harry Butler	(1) Two messuages or dwelling houses and shop with garden, stable and farmyard in Southgate (2) Cottage, tenement or dwelling house with garden (3) Cottage, tenement or dwelling house with outbuildings and garden on the west side of Mereside Lane (4) Cottage, tenement with buildings and yard adjoining on the west side of Southgate (5) Cottage or tenement with yard and parcel ground behind in Southgate	2	1 1 1 1
1 May 1934 p.554 Alfred Myers	Messuage or dwelling house in Grove Place on the south side of Newbegin	1	
11 May 1934 p.556 Miss S.A. Thorley	(1) Messuage or dwelling house and shop with yard and outbuildings being No.8 on the east side of Southgate (2) Messuage or dwelling house and shop with garden on the west side of Southgate	1 1	
15 May 1934 p.557 J.H. Baker	Two messuages or dwelling houses with stable, outbuildings and gardens in Westgate	2	
15 May 1934 p.558 Mrs. M. Reid	Piece of land on the north side of Newbegin with a messuage or dwelling house and shop erected on the land	1	
25 May 1934 p.558 Miss A.M. Nicholl and Miss M.H. Nicholl	Cottage and garth in Westgate		1
21 June 1934 p.559 Miss K.M. Gibson	Cottage or tenement with yard, garden and outbuildings		1

21 June 1934 p.560 Mrs E. Johnson	Message or dwelling house with garden and outbuildings on the south side of Southgate, containing 212 sq. yds.	1	
22 June 1934 p.561 P.H.R. Ramsden	Two cottages in Newbegin		2
22 June 1934 p.561 H.C.B. Hollis	Piece of land on the west side of Eastbourne Road with a message or dwelling house erected thereon called Wortley House in Eastbourne Terrace with stables and outbuildings	1	
1 Sept. 1934 p.566 Mrs. M.E. Toope	Parcel of land on Mereside Lane with two dwelling houses and domestic offices erected thereon		2
15 Sept. 1934 p.571 Mrs. E. Fowler	Message, tenement or dwelling house with outbuildings and garden on the west side of Southgate	1	
12 Oct. 1934 p.574 William and Henry Barr	Message or dwelling house being No.2 Gothic Terrace	1	
13 Dec. 1934 p.577 Miss Dora Lyon, Miss Lyon and P.H.R. Ramsden	Close or parcel of land joining the Town Street, containing 1,234 sq. yds. upon which the Misses Lyons have erected seven houses being Nos. 1-7 St. Nicholas Mount	7	
13 Dec. 1934 p.578 R.H.R. Ramsden	Message or tenement with yard on the south side of Newbegin	1	
12 Feb. 1935 p.587 A.R. Loten	(1) Parcel of land on the south side of Newbegin being the north-western part of a larger piece of land, with two messages or dwelling houses erected on the land called Clairmont and Melville (2) Parcel of land south of (1) forming the southern portion of the larger piece of land with a cottage upon it (3) Message and dwelling house and shop being the westernmost of two messages fronting on Newbegin (4) Parcel of land to the south of the land described in (1) with two cottages erected upon it (5) Piece of land on the north side of Newbegin, being the eastern part of a larger piece containing 456 sq. yds. with a message or dwelling house on the land, known as No. 2 Oxford Villas (6) Message or dwelling house and shop on the west side of the Market Place (7) Four messages on the north side of Strait Lane, near the Mereside	2 1 1 1 1 4	1 2

26 Feb. 1935 p.589 Trustees of the late Thomas Bull	Two messuages or tenements with outbuildings being Nos. 6 and 7 on the east side of Southgate	2	
13 April 1935 p.591 H.I. Loten and E. Greenwell	A close adjoining the Town Street (Newbegin) containing 2a 1r 5p with a dwelling house, barn and buildings erected upon it	1	
7 June 1935 p.595 Mrs. F.M. Kitson	Dwelling house with garden and outbuildings, being No. 43 Southgate	1	
5 Sept. 1935 p.596 Miss R.H. Taylor	Messuage or dwelling house formerly called Ferndea, now Westfield in Back Southgate	1	
7 Sept. 1935 p.597 The executors of A.F. Denton	Land on the south side of Eastgate with messuage upon it, formerly called Landsdown Villa, lately The Anchorage, now Lydden House	1	
23 Oct. 1935 p.598 John Franks	(1) Parcel of land on the west side of Eastbourne Road containing 268 sq. yds. with messuage or dwelling house on the land, being No. 3 Eastbourne Terrace (2) Plot of land on the north side of Newbegin with dwelling house, shop and premises on the plot of land	1 1	
9 Nov. 1935 p.600 H.F. Wade and C.L. Berry	Close of land containing 1a 3r 17p on the south side of Lelley Lane with a messuage or dwelling house, and outbuildings upon it	1	
10 Dec. 1935 p.602 Mrs. M. Thwaites	Cottage or tenement with yard, outbuildings and garden in Newbegin		1
16 Dec. 1935 p.604 Henry Barr	Parcel of land on the south side of Westgate, part of a larger parcel containing 623 sq. yds. with a messuage erected upon the land known as No. 1 Gothic Terrace	1	
17 Dec. 1935 p.606 James Hole & Co. Ltd.	(1) Messuage or dwelling house used as an inn, New Hotel, with yard, outbuildings and garden in the Market Place (2) Two messuages and shops on the south side of the Market Place, being a continuation of Southgate and at the corner of Hillerby Lane (3) Eight cottages or tenements in Hillerby Lane, situated behind (1) and (2)	1 2	8
31 Dec. 1935 p.609 E. Broumpton	Messuage, tenement or dwelling house with foalyard, stackyard, outbuildings and garden on the south side of Eastgate containing 4,356 sq. yds.	1	

31 Dec. 1935 p.611 Trustees of the late J.P. Loten	Parcel of land on the north side of Newbegin, containing 333 sq. yds. being a portion of Tindall's Garth with a messuage or dwelling house and shop, bakehouse and outbuildings on the land	1	
31 Dec. 1935 p.613 T. Linsley & Co. Ltd.	A messuage used as a public house called Marine Hotel with outbuildings and yard	1	
31 Dec. 1935 p. 614 A.R. Loten	Two messuages or dwelling houses with outbuildings and yard on the east side of Back Southgate	2	
31 Dec. 1935 p.615 Mrs.E.S. Grant	Piece of ground on the west side of a public footpath from Newbegin, 350 sq.yds. with a cottage or dwelling house with outbuildings on the land known as Rosemary Cottage		1
31 Dec. 1935 p.623 Miss A.M. Peck	Messuage or dwelling house in Southgate known as Milton House with outbuildings and bricklayer's yard adjoining	1	
31 Dec. 1935 p.625 W.J. Robinson	Parcel of land on the west side of Southgate with messuage or dwelling house erected upon it known as No. 52 Southgate	1	
31 Dec. 1935 p.626 Mrs. L.A. Ranby	Two dwelling houses with yards and gardens, being Nos. 3 & 4 King Street	2	
31 Dec. 1935 p.627 Mrs. F. Lill	Two dwelling houses with yards and gardens, being Nos. 1 & 2 King Street	2	
31 Dec. 1935 p.631 J.G. Wilkinson	Messuage or dwelling house and shop with yard, garden and outbuildings on the west side of Southgate	1	
31 Dec. 1935 p.636 Trustees Hornsea Trinity Methodist Church	Plot of land in Newbegin containing 500 sq. yds. with buildings known as Trinity Methodist Church and Sunday School upon the land	---	---
31 Dec. 1935 p.638 Trustees Hornsea Trinity Methodist Minister's House	Parcel of land on the west side of Eastbourne Road containing 268 sq. yds. with a messuage or dwelling house upon it, being No. 4 of five messuages known as Eastbourne Terrace		
31 Dec. 1935 p.644 J.J. Grainger	(1) Plot of land containing 1,250 sq. yds. in Southgate with two messuages or dwelling houses upon it (2) Cottage with yard, garden and outbuildings in Newbegin (3) Seven messuages or dwelling houses with outbuildings and gardens, all adjoining each other, known as Nos. 1-7 Bank Terrace	2 7	1
25 Feb. 1936 p.649 W.B. Hainsworth	Cottage or tenement known as Ivy Cottage with yard, gardens and outbuildings adjoining in Newbegin		1

?1936 p.651 G.F. Agars	Parcel of ground in Westgate called Tithe Yard, containing 1,140 sq. yds. with a butcher's shop with outbuildings built upon part of the ground and two dwelling houses built on the other part	3	
24 June 1936 p.653 Mrs. A.V. Houlton	Dwelling house, garage and outbuildings, containing 17p in Eastgate	1	
Totals Section B		124	44

Source: Court book of the Manor of Hornsea, HUL, DSJ/47.

Table 6:20, Sections A and B, shows that out of a total of 265 copyhold tenements identified in the village garths of Hornsea, 168 or 63% remained as copyholds on 31 December 1925.

The results of the three Holderness locations are listed in Tables 6:21 and 6:22. In Table 6:21, the post-1925 result for Hornsea is heavily influenced by a single enfranchisement of c.80 acres at Hornsea Burton in 1935, and the Roos figures represent a general lack of copyholds in the arable closes of old enclosures. A much more useful conclusion may be drawn from Table 6:22 regarding the tenements in the village garths where there is conclusive evidence that copyhold domestic housing and also institutions such as public houses or chapels, largely remained as copyholds until 31 Dec. 1925.

Table 6:21 The end of old enclosure copyholds of arable, meadow or pasture land

Closes or parcels of land without buildings	Township of Easington	Township of Roos	Parish of Hornsea
	Acres	Acres	Acres
Deeds of Enfranchisement 1841-1925	13½	1	55½
Compensation Agreements 1926-c.1935	66	0	107

Table 6:22 The end of old enclosure copyholds in the village garths

Messuages, cottages with garths, gardens etc.	Township of Easington		Township of Roos		Parish of Hornsea	
	Number of messuages (M) or cottages (C)					
	M	C	M	C	M	C
Deeds of Enfranchisement 1841-1925	1	2	4	20	45	52
Compensation Agreements 1926-c.1935	17	45	21	54	124	44

Prologue

The passing of the 1922 Law of Property Act,⁹⁹ with its provisions for the extinguishment of copyholds, must have concentrated the minds of all parties concerned. First, the lords of the various manors who quickly realised that this was their last opportunity to extract money from their copyhold tenants. Second, the lords' stewards who were given the unenviable task of identifying all the remaining copyhold tenants, their estates and regularising the situation whereby some had never been formally entered on the rolls, or were owing an admission fine, or where quit rents were unpaid, often for years. Third, the copyholders themselves, many of whom had enjoyed their tenancy for years, virtually as freeholders and who were now faced with the prospect of having to pay compensation to the lord and the steward, either in the form of a lump sum amount, or in instalments with interest at 5½%.¹⁰⁰

For the lords, none can have entered into the business with more enthusiasm than the Chichester-Constables of Burton Constable. Raleigh C.J. Chichester-Constable,¹⁰¹ based at the family's second home, Woodhall near Skirlaugh, acted as agent for his father. Col. W.G. R. Chichester-Constable,¹⁰² lord of all the Constable manors in Holderness. In 1925, Raleigh Chichester-Constable requested the Hull legal firm Stamp, Jackson & Sons, whose principals had been Constables' stewards since 1872, to produce a register of all the remaining copyholders and their estates. Using this register

Chichester-Constable personally investigated many of the holdings and gave instructions to the steward advising him on land values in each case. These valuations then became the basis of the compensation agreement calculations. Hence, after a journey to Skipsea, Chichester-Constable wrote to his steward on 27 March 1936: ¹⁰³

‘I inspected the above property and had some difficulty in identifying it. I value 189 (O.S. map) at 25 shillings an acre, and 188 at 27s. 6d. an acre. Col. Constable’s register shows that the last tenant was admitted in 1858 and he presumes there will be one or more fines to pay...’ ¹⁰⁴

At other times it was left to the steward to identify the holding as an earlier letter of 22 October 1934, concerning Kilnsea reveals:

‘Dear Col. Constable,
It is quite impossible to say which parts are copyhold of our manors, but I have surrounded in red on the plan what I believe is copyhold of our manors.
The descriptions in the deeds are hopeless and nobody really knows what property is what. With regard to nos. 73, 79 and 80 I understand that there is not much left here now, as it has all been washed away. The coastline is much further west than shown on the plan. I gather that all the land surrounded in yellow at the top of the plan, is all swamp or in the sea’ ¹⁰⁵

Once the annual value had been established and the compensation calculation made, the steward’s next task was to bring the manorial incidents, ‘up-to-date’. This involved trying to extract unpaid admittance fines and quit-rents from usually unwilling tenants. Even in the 1930s this led to the sending of solicitors’ letters at a level of pettiness of which only lawyers were capable. From the offices of Watson, Carrick & Sons, where a comfortable arrangement existed with James Watson lord of the manor and Robert Carrick his steward, a former tenant Mr. Guy received a demand dated 19 October 1932:

‘We shall be much obliged if you would let us have 6d. being one year’s rent on your lands at Elstronwick ... due at Michaelmas last’ ¹⁰⁶

Even smaller amounts were demanded, as is evident from a letter written by Mrs. Sarah Blanchard to Stamp, Jackson & Sons on 4 May 1937:

'Received your note this morning for the rents of 1d. per year. I enclose the three pence for the years owing. I did not pay it as I did not know were (sic) to send it'. ¹⁰⁷

This collection farce was even compounded by an exchange of solicitors' letters. Hugh Rawson of the firm Neville Hobson, solicitors to the Burton Pidsea Parish Council must have wondered about the financial logic involved when he wrote to Stamp, Jackson & Sons on 30 October 1937:

'I enclose stamps, value 1d. in payment of Copyhold rents due ...'. ¹⁰⁸

Payments were not always trivial, however, particularly when arbitrary fines were involved. Faced with a stiff back payment on a long overdue fine, one tenant claimed the fine to be 'statute barred', that is to say, extinguished by the provisions of the 1922 Act. This view was supported by a counsel's opinion, but was vigorously contested by the Chichester-Constables. ¹⁰⁹ More commonly, it was the land valuations communicated by the steward, Maurice Jackson, which were the main cause of argument. One inflamed tenant wrote:

'I was astounded to receive yr. Letter of Sep.25 in which you state an error has been made & the Redemption Fee has been raised to £72: 17s.: 6d. What is the amount of compensation for: what has the Lord done for it? I paid an annual rent of 2d., now on the principle of rental purchase I find that at 2d. per year, 5,148 years would be required to pay £59: 8s.: 0d. & redeem the property at that figure.

Also, Compensation to the Steward. The Steward is getting paid for the work in the Compensation Agreement. I think if the total amount of Compensation was halved the recipients would be very generously treated'. ¹¹⁰

Such notions of 'halving' were far from Chichester-Constable's mind. In response to a request made by C.F. Biglin's solicitor for a reduction in the compensation amount, Chichester-Constable wrote to Maurice Jackson:

'I note this is the gross rent received by the above man, and that this tenant is asking for a further reduction. I can only repeat, and insist on the fact that rents are no indication whatever of the true value of the land, and what we have to base our valuation on is a fair average value'. ¹¹¹

Doubtless, Mr. Biglin's solicitor would have agreed with Chichester-Constable's remarks, but this did not stop a number of former Holderness copyhold farmers from trying to reduce their calculated debt. In response to an original demand for £50: 10s.: 0d., John Clubley of Thompson's Farm, Easington, offered to pay £30: 10s.: 0d. When this offer was rejected, Clubley then suggested, 'Would Col. Constable kindly agree to split the difference to redeem the manorial incidents?' Unmoved, Chichester-Constable wrote to his steward: 'The tenant knows this is strictly in accordance with the Act and I feel perfectly sure this is a "try on"'.¹¹² Nevertheless, in spite of firm rebuttals and an uncompromising attitude, 'try on' tactics were also a part of the lord's armoury and elements of horse trading were often present. Initially, James Arthur Johnson of Easington was faced with the same firm stance from Chichester-Constable when his offer to pay £35 against a demand for £40: 1s.: 2d. was rejected. Chichester-Constable lost no time in writing to the steward:

'Here again is a case of bargaining, and in these matters the Lord says he is not entitled to do so. As far as I can see, the amount payable on the agreed valuation is governed by the Act and I cannot see how the tenant can dispute it'.¹¹³

Johnson stood his ground, claiming that he had not agreed to the land value placed on his property. Acting on instructions from Chichester-Constable, the steward then threatened the tenant with the consequences of failure to reach an agreement.

'We must point out that in the long run, if you do not redeem the manorial incidents now, it will cost you more if you have to redeem compulsorily, as then the Ministry of Agriculture and Fisheries come on the scene, and not only will you have to pay the Lord's costs, but also the costs of the Ministry'.

Johnson was not to be intimidated as Maurice Jackson's reply to Chichester-Constable indicated:

'Mr. Johnson is anxious to settle the matter but is convinced that if it were to be settled by the Ministry, the annual value would be nothing like as high as the average value placed upon the property by you. His last words were that if the Lord will not accept £37: 10s.: 0d., then he will not do anything. We shall be glad to know whether the Lord is prepared to compromise'.

If John Clubley had been unsuccessful with his bid to ‘split the difference’, Johnson was more successful. The ‘Lord’ was prepared to compromise and Johnson redeemed his manorial incidents at a price of £37: 10s.: 0d.

On one occasion, the tactic of offering a compromise backfired. When Chichester-Constable proposed 32s. 6d. as the mean value between his previous valuation of 35s. and the 30s. put forward by John Winter for his land held of the Manor of Cleeton, Winter’s solicitor wrote back to Stamp, Jackson & Sons:

‘I am in receipt of yourlet (sic) but I am afraid that you misunderstand the nature of the negotiations. I anticipated that we were discussing the average value of land whereas I now feel that your client (R.C.J. C-C) must be under the impression that we are “selling pigs.”

I do not feel inclined to advise my client to accept 32s. 6d. as to be perfectly candid I feel the whole transaction has savoured of a “try on”. Please understand that these remarks do not apply to yourselves’. ¹¹⁴

Winter won the argument of the average land value, but was still faced with a heavy bill to redeem the manorial incidents. His cheque for £60: 8s.: 9d. reached Stamp, Jackson & Sons on 27 February 1936.

Perhaps the hardest effects of the compensation agreements were felt by the elderly and widows in their cottages and small tenements. Unprotected by supporting solicitors, some of the letters reveal extreme hardship. Samuel Richardson, the owner of a barn, stable and some land at Preston, writing to Stamp, Jackson & Sons 15 June 1926 explained:

‘I shall be 70 years old July 29 and very often unable to work owing to sickness, the seasons have been so bad of late years that we have very little to live on. I have applied for old age pension and that will make it easier. I have an invalid wife and my daughter has to stay at home to look after her.

I quite expected this place was freehold, the steward expected so too, however, we must make the best of it ... Please do the best you can for us and make it as easy as possible’. ¹¹⁵

The 'easy payment' for Richardson amounted to £91: 16s.: 0d. Mrs. Mary Jane Guy, a widow and owner of a messuage with a wheelwright's shop and 36 perches of land in Keyingham, wrote:

'I am 72 years of age. The shop is let for £6 per year and I live in the house myself. As I have not much to live on and may not be able to find the money, will you please tell me what will happen if I am unable to pay?' ¹¹⁶

Stamp, Jackson's reply to Mrs. Guy has not survived but eventually Mrs. Guy paid a total of £10: 1s.: 2d. to redeem her manorial incidents. Against overwhelming odds some copyholders just accepted the calculated debt. Mrs Ann Bean wrote to Stamp, Jackson & Sons, concerning her two cottages at the west end of Easington:

'I see you make the AV of £18 not £14, of course I can't see I have any other option but to pay the extra £1: 9s.: 0d., all I can do is just trust you to do the right thing by me and let me have a settling up'. ¹¹⁷

Not all pleas fell on deaf ears. Mrs. Elizabeth Johnston, the owner of c.8 acres of land at Elstronwick, formerly held of the Manor of Elstronwick, received a compassionate allowance of £5 because her husband was out of work, 'on the understanding that the £35: 13s.: 0d. is paid by next Friday'. ¹¹⁸

Even after agreements had been reached, some payments were not forthcoming causing frustration and additional aggravation. In March 1938, Chichester-Constable wrote to his steward:

'Have proceedings been taken against the Rev. Lester of Skipsea for the amount still owing for Compensation, fines and fees? If not, please take proceedings without delay and apply for costs against him. I am most particular regarding the question for costs'. ¹¹⁹

The collection of compensation money dragged on, in some cases into the 1940s, and in one case to 1951, ¹²⁰ but in the main they were virtually settled by the end of 1938. All these late agreements appear to have been negotiated locally and without the imposition of the Ministry. The end of the affair must have been something of a relief to the

stewards who sat in the middle of the negotiations between the lord and the former tenant. A satisfied James Watson could write on 29 November 1938:

‘Since I became Lord of the Manor of Elstronwick over 18 years ago ... the manorial incidents have now been extinguished’.¹²¹

It was truly the end of copyholds.

Appendix 1**Number of completed enfranchisements by county in the period 1841 – 1882**

Position	County	No. of Enfr.	Position		No. of Enfr.
1	Essex	2,215	23	Wiltshire	66
2	Suffolk	1,937	24	Salop.	60
3	Norfolk	1,709	25	Dorset	53
4	Middlesex	1,272	26	Rutland	49
5	Cambridge	1,187	27	Oxford	48
6	Hertford	921	28	Gloucester	38
7	Sussex	816	29=	Leicester	29
8	Surrey	794	29=	Wales	29
9	Hampshire	721	31	Northumberland	24
10	Stafford	431	32	Kent	23
11	Huntingdon	378	33	West Yorkshire	19
12	Northampton	279	34	Somerset	17
13	Hereford	264	35	Warwick	12
14	Bedford	262	36	North Yorkshire	8
15	Derbyshire	197	37	Cornwall	5
16	Buckingham	191	38	Nottingham	4
17	Lincolnshire	155	39=	Devon	3
18	Cumberland	122	39=	Durham	3
19	Lancashire	118	41=	Westmorland	2
20	Worcester	92	41=	Isle of Wight	2
21	East Yorkshire	75	43	Cheshire	0
22	Berkshire	71			
Total 14,701*					

* The 41st. Report of the Copyhold Commissioners quoted a total of 14,717 enfranchisements.

Appendix 2

Number of completed enfranchisements per 50,000 acres in each county for the period 1841 - 1882

County by alphabetical order	County acreage by the 1831 census return	Number of completed enfranchisements	Enfranchisements per 50,000 acres
Bedford	297,632	262	44.01
Berkshire	472,270	71	7.52
Bucks.	463,820	191	20.59
Cambs.	536,853	1,187	110.55
Cheshire	649,050	0	0
Cornwall	854,770	5	0.29
Cumberland	969,490	122	6.29
Derby	663,180	197	14.85
Devon	1,636,450	3	0.09
Dorset	627,220	53	4.22
Durham	624,990	3	0.24
Essex	979,000	2,215	113.13
Glos.	790,470	38	2.40
Hants.	931,740	721	38.69
Hereford	543,800	264	24.27
Herts.	400,370	921	115.02
Hunts.	241,690	378	78.20
I.O.W.	86,810	2	1.15
Kent	972,240	23	1.18
Lancs.	1,117,260	118	5.28
Leics.	511,340	29	2.84
Lincs.	1,651,240	155	4.69
Middlesex	179,590	1,272	354.14
Norfolk	1,292,300	1,709	66.12
Northants	646,810	279	21.57
Northumb.	1,219,970	24	0.98
Notts.	525,800	4	0.38
Oxon.	467,380	48	5.14
Rutland	97,500	49	25.13
Shropshire	864,360	60	3.47
Somerset	1,028,090	17	0.83
Staffs.	736,290	431	29.27
Suffolk	918,760	1,937	105.41
Surrey	474,480	794	83.67
Sussex	907,920	816	44.94
Warwick	567,930	12	1.06
Westmorland	485,990	2	0.21
Wiltshire	869,620	66	3.79
Worcs.	459,710	92	10.11
Yorks. E.	763,800	75	4.91
Yorks. N.	1,275,820	8	0.31
Yorks. W.	1,629,890	19	0.58

(continued)

Appendix 2 (continued)

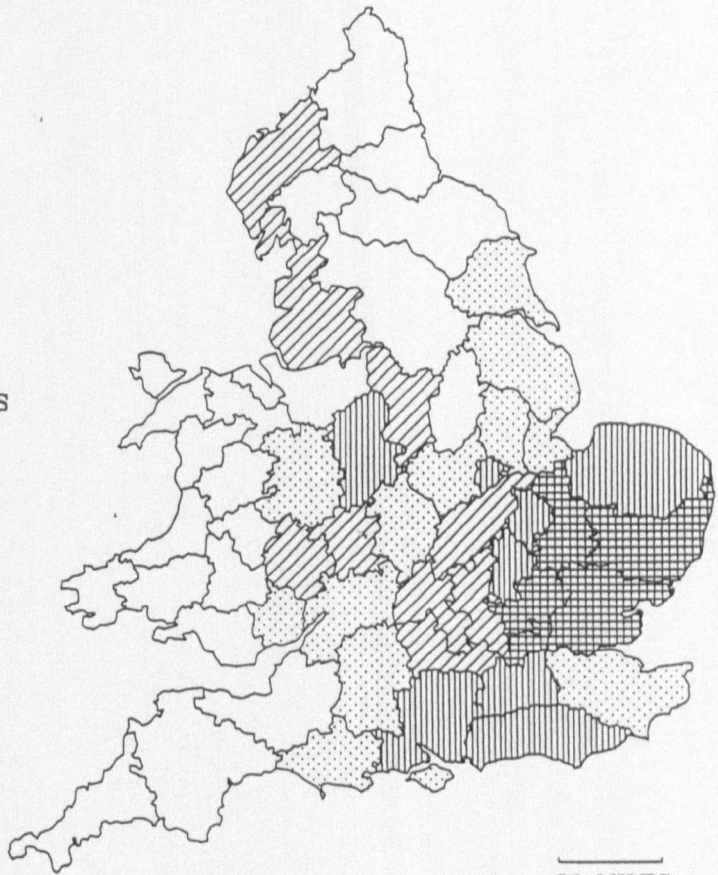
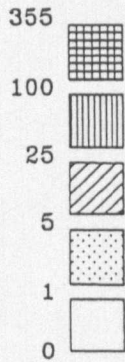
WALES

County by alphabetical order	County acreage by the 1831 census return	Number of completed enfranchisements	Enfranchisements per 50,000 acres
Anglesey	193,453	0	0
Brecknock	460,158	0	0
Caern.	370,273	0	0
Carm.	443,387	0	0
Card.	606,331	0	0
Denbigh	386,052	0	0
Flint	184,905	0	0
Glamorg.	547,494	2	0.18
Merion.	385,291	0	0
Monm.	368,399	25	3.39
Mont.	483,323	0	0
Pembr.	401,691	2	0.25
Radn.	472,128	0	0

COMPLETED ENFRANCHISMENTS 1841-1882

NUMBER PER 50,000 ACRES OF EACH COUNTY

NUMBER/50,000 ACRES

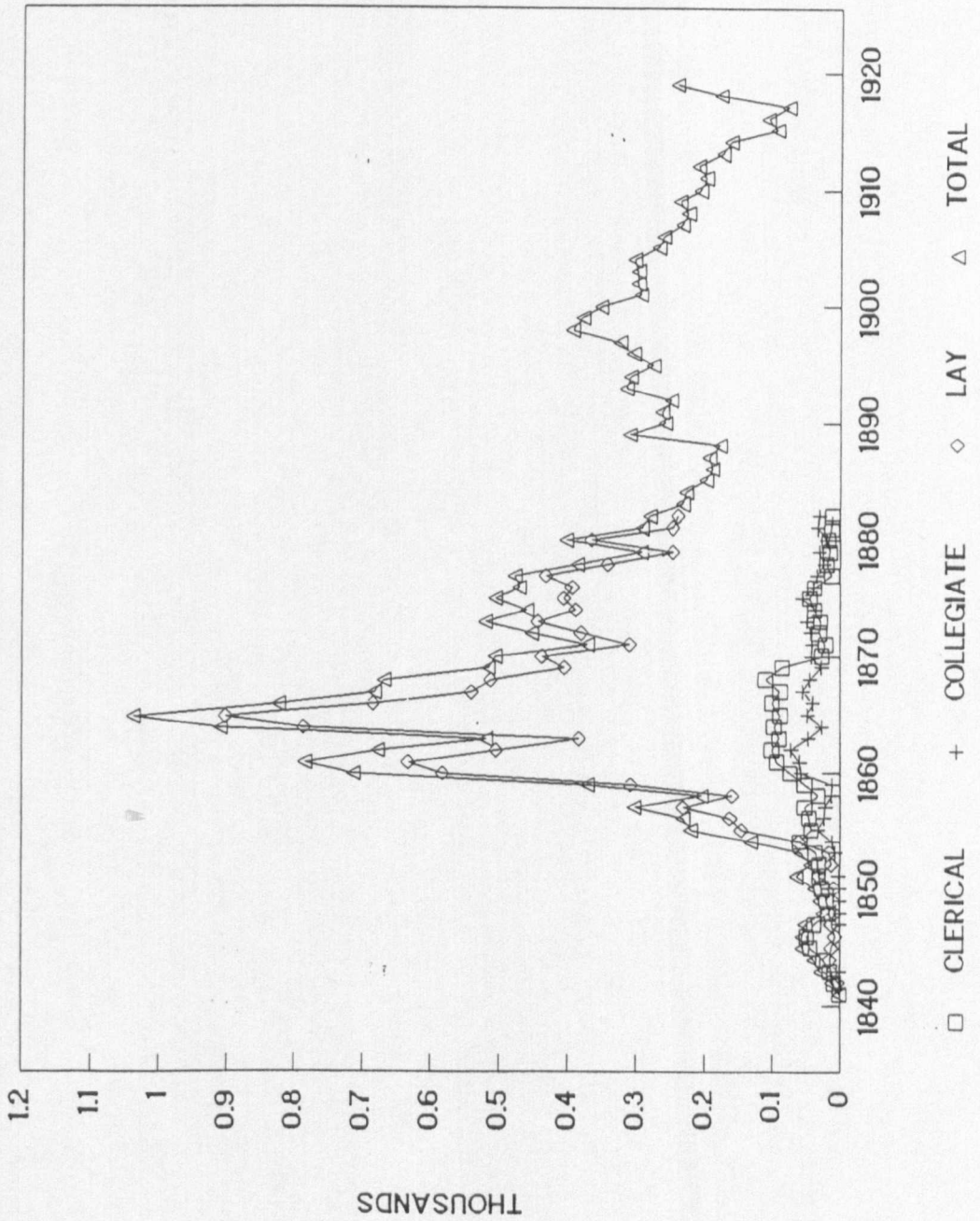


50 MILES

Appendix 4**Applications for enfranchisement received by the Copyhold Commissioners under the powers of the 1858 Copyhold Act**

Year	Voluntary Applications	Compulsory Applications	Total No. of Applications
1859	12	293	305
1860	68	262	330
1861	62	307	369
1862	68	198	266
1863	52	334	386
1864	105	347	452
1865	58	372	430
1866	63	215	278
1867	58	352	410
1868	55	285	340
1869	43	327	370
1870	25	254	279
1871	19	287	306
1872	22	370	392
1873	21	284	305
1874	15	258	273
1875	24	228	252
1876	19	254	273
1877	18	188	206
1878	13	158	171
1879	14	192	206
1880	17	143	160
1881	19	141	160
1882	11	118	129
Totals	881	6,167	7,048

Distribution of enfranchisements through the Copyhold Commission and the Ministry of Agriculture, by type of lord.



Appendix 6

Extinguishment of Copyholds in the Southern Division of Holderness

The figures in the columns under each township, represent copyhold acres remaining in the former open fields.

Year	Easington	Keyingham	Kilnsea	Skeffling	Welwick & Weeton	Withernsea	Owthorne
1770	820			426	130		
1775	714			405	130		
1780	714			405	130		
1785	707			405	130		
1790	707			405	130		
1795	707			405	130		
1800	707			405	130	300	
1805	707	881		405	130	300	
1810	707	881		405	130	300	
1815	707	881		405	130	300	98
1820	707	881		405	130	300	98
1825	707	881		405	130	300	98
1830	707	881		405	130	300	98
1835	707	881		405	130	300	98
1840	707	881	348	405	130	300	98
1845	707	881	230	405	130	300	98
1850	707	881	230	405	130	300	98
1855	707	881	230	405	130	300	98
1860	707	781	230	405	130	295	87
1865	707	781	230	405	130	295	87
1870	707	781	230	405	130	280	87
1875	707	776	230	405	92	280	87
1880	707	776	230	405	92	252	85
1885	707	776	230	405	92	233	85
1890	707	776	230	405	92	233	85
1895	658	776	230	405	92	233	84
1900	658	584	230	405	92	204	84
1905	581	584	230	236	91	203	66
1910	543	583	216	234	84	194	64
1915	533	583	216	214	84	182	63
1920	454	583	216	214	84	124	50
1925	451	583	216	214	84	113	50
1930	185	406	104	121	84	54	1
1935	48	205	19	0	72	0	1
1940	0	0	0		0		0

Extinguishment of Copyholds in the Middle Division of Holderness

The figures in the columns under each township, represent copyhold acres remaining in the former open fields.

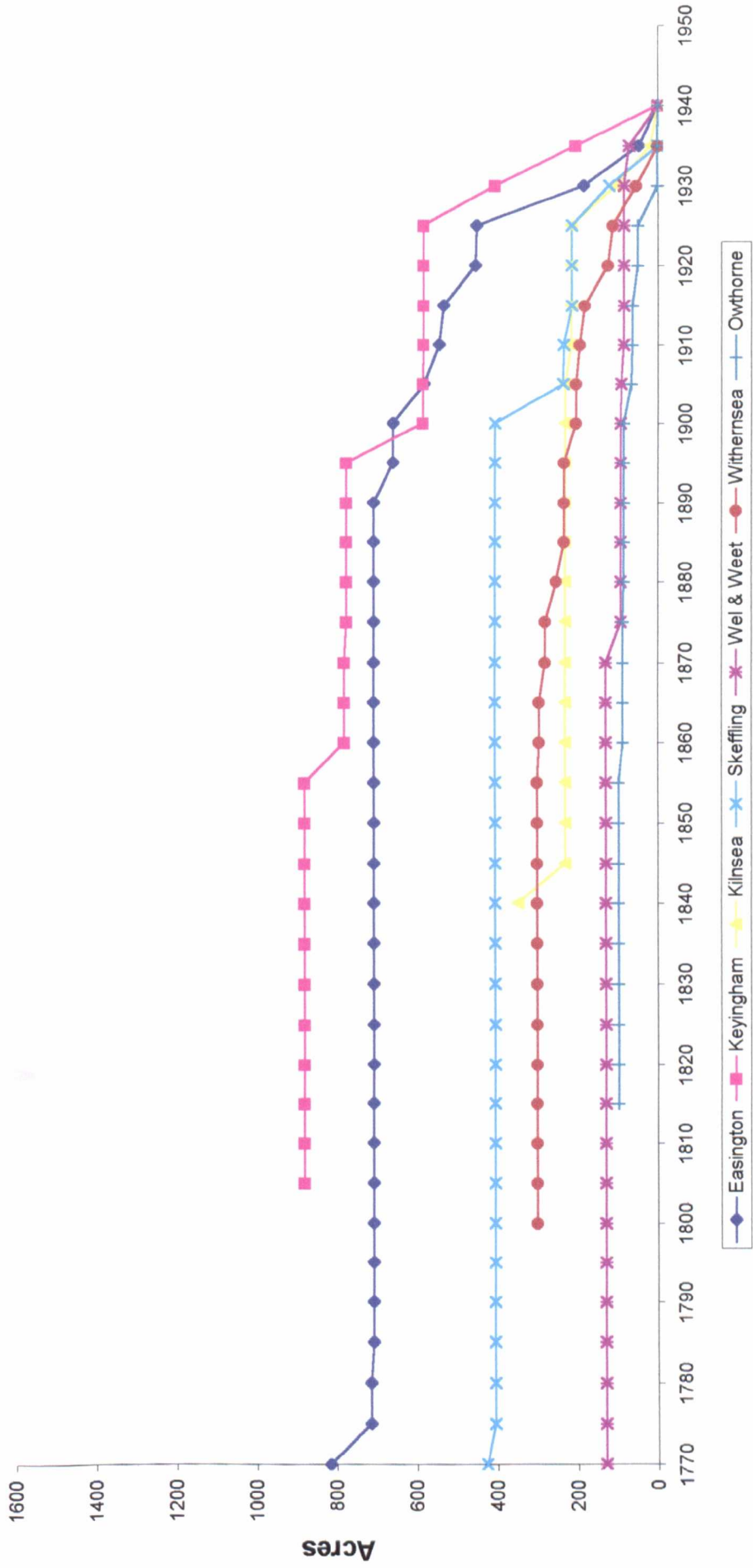
Year	Burton Pidsea	Elstronwick	Lelley	Preston	Roos
1770	1,210		288		863
1775	1,210		288		863
1780	1,210		202	1,052	863
1785	1,210		202	1,052	863
1790	1,139		202	997	863
1795	1,139		202	997	863
1800	1,139		202	997	863
1805	1,139		202	997	863
1810	1,139		202	997	863
1815	1,139	562	202	997	863
1820	1,139	562	202	997	842
1825	1,139	562	202	997	780
1830	1,139	562	202	997	780
1835	1,139	562	202	997	780
1840	1,139	562	202	997	780
1845	1,139	562	202	997	780
1850	1,139	562	202	997	780
1855	1,138	562	202	994	780
1860	940	562	202	994	780
1865	940	562	202	826	779
1870	940	540	202	826	779
1875	940	498	202	754	631
1880	940	498	166	754	480
1885	940	489	166	754	480
1890	910	369	166	723	450
1895	910	369	166	697	450
1900	910	369	166	697	450
1905	788	330	166	645	374
1910	582	295	158	577	374
1915	544	295	158	501	374
1920	544	295	152	501	374
1925	544	260	105	483	309
1930	409	0	66	244	166
1935	13		2	0	79
1940	2		0		55

Extinguishment of Copyholds in the Northern Division of Holderness

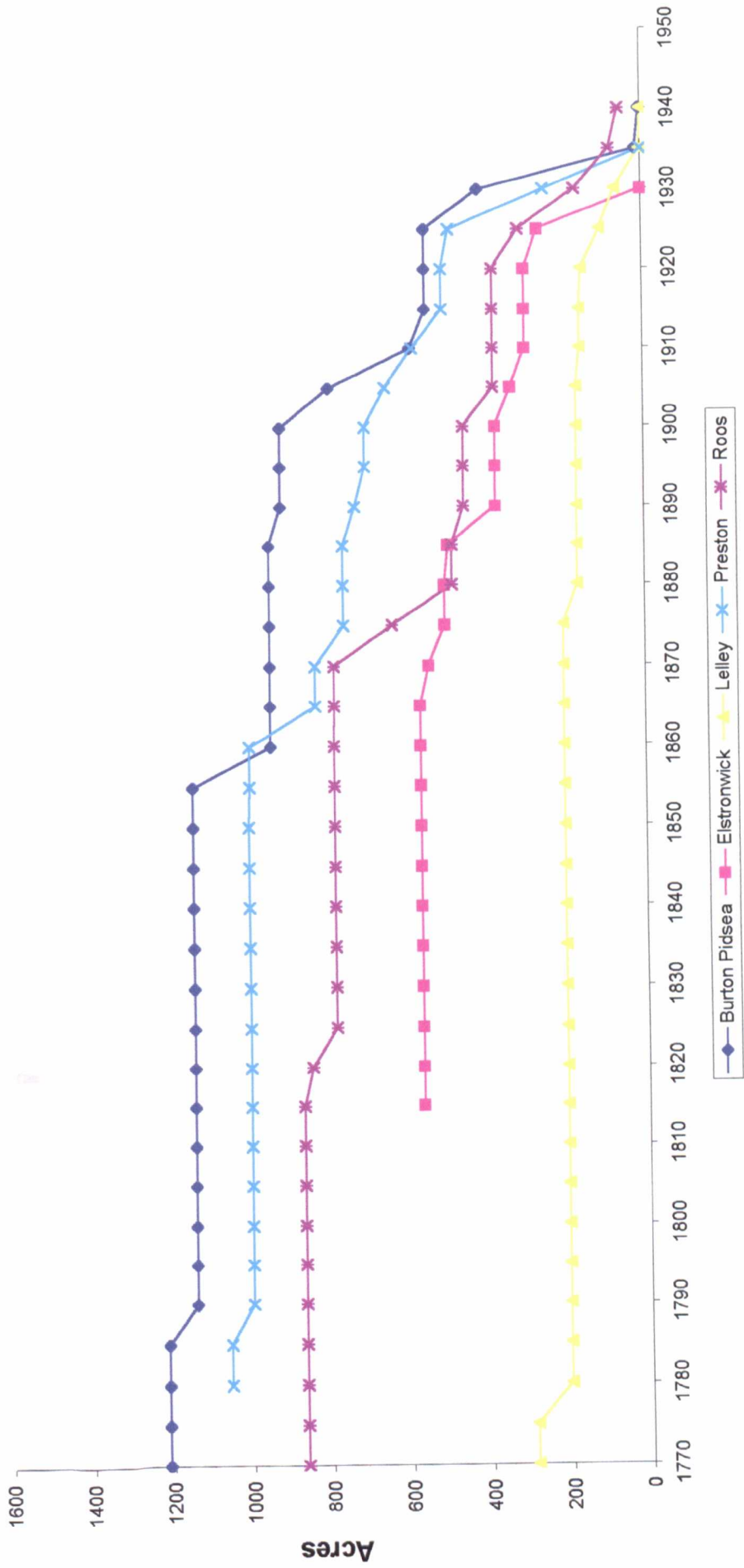
The figures in the columns under each township, represent copyhold acres remaining in the former open fields.

Year	Hornsea	Leven	North Frodingham	Skipsea
1770				1,399
1775				1,263
1780				1,263
1785				1,217
1790				1,217
1795		892		1,217
1800		718		1,217
1805		718	1,576	1,217
1810	1,459	718	1,576	1,217
1815	1,459	718	1,576	1,217
1820	1,459	718	1,576	1,217
1825	1,459	718	1,576	1,217
1830	1,459	718	1,576	1,217
1835	1,459	718	1,576	1,217
1840	1,459	718	1,576	1,217
1845	1,459	718	1,576	1,217
1850	1,459	718	1,576	1,217
1855	1,459	718	1,576	1,217
1860	1,459	718	1,576	1,173
1865	1,443	718	1,530	1,096
1870	1,443	718	1,337	1,092
1875	1,443	713	1,330	1,092
1880	1,407	713	1,189	1,092
1885	1,407	713	1,082	1,092
1890	1,407	709	1,055	1,031
1895	676	709	1,042	1,031
1900	660	709	1,042	1,031
1905	660	709	1,042	1,031
1910	660	709	777	751
1915	641	666	777	751
1920	641	666	656	751
1925	605	666	639	751
1930	350	490	401	498
1935	46	198	349	119
1940	34	50	7	0

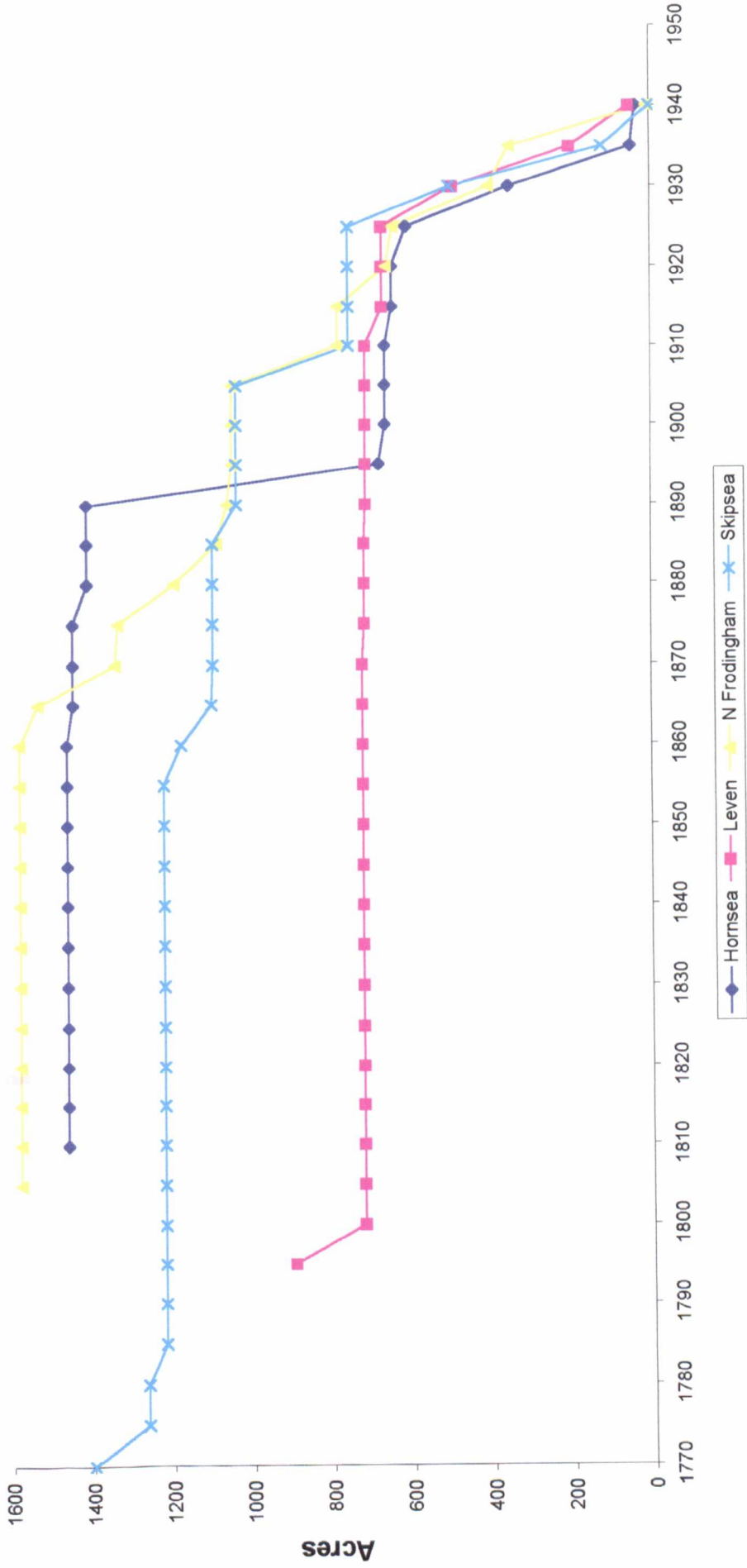
Extinguishment of Copyhold in Southern Division of Holderness



Extinguishment of Copyholds in the Middle Division of Holderness



Extinguishment of Copyholds in the Northern Division of Holderness



NOTES AND REFERENCES

To the chapter: The end of copyholds.

1. R.C. Allen, *Enclosure and the Yeoman*, 1992, p.14.
2. 'Copyhold for years was rare, even in the Midlands, where its incidence was highest'. E. Kerridge, *Agrarian Problems in the Sixteenth Century and After*, 1969, p.37.
3. See Adkin, p.105. Allen, *Enclosure and the Yeoman*, does concede on p.67, 'He (the copyholder) paid an arbitrary fine for the extension of the agreement ...'
4. For an example, see the court book of the Manor of North Frodingham, HUL, DDCV 121/7, Vol. 'E', 1803-33, p.248. At a court held on 23 April 1811, John Beal, petitioned to be admitted to a cottage which his father had held and had died, 'without alienation'. John was admitted on payment of an alienation fine of 2 shillings and a composition fine of £16.
5. C. Watkins, *A Treatise on Copyholds*, third edition, edited by T. Coventry, 1825, Vol. I, p.435.
6. The usual wording of the Deed of Enfranchisement was: 'To hold the same as freehold, freed and discharged from all rents, suits and services and other incidents of copyhold tenure'. A deed dated 12 March 1902 for Hornsea, RDB 22/11/11. The terms, 'deed' and 'indenture' of enfranchisement are synonymous.
7. L. Shelford, *The Law of Copyholds in reference to the Enfranchisement and Commutation of Manorial Rights and the Copyhold Acts*, 1853, p.249.
8. RDB AK/98/8.
9. Court book Manor of Roos, HUL, DDCV 134/15, pp.95-155.
10. VCH V, p.69.
11. Court book Manor of Roos, HUL, DDCV 134/16.
12. Examples of such escheats can be found in the court books of the Manor of Burstwick, ERRAS, DDCC(2)/80, Vol. 1747-61, Burton Pidsea 5 October 1757, p.159 LHS and 10 December 1760, p.226 LHS. Vol. 1761-72, Keyingham 21 February 1770, p.163 LHS and Vol. 1772-82, Burton Pidsea, 28 May 1777, p.211.
13. C. Watkins, Vol. II, p.161.
14. Copyholders, 'at the will of the lord' were not allowed to cut down trees for timber, remove old buildings or erect new ones, without the lord's licence. Similarly, the lord was also unable to cut down trees, or extract minerals from the land without the agreement of the tenant. For a discussion on this see, J.A. Venn, *Foundations of Agricultural Economics*, 1923, p.29. Venn also wrote,

quoting from an unnamed source, that copyhold had been declared, 'the worst type of tenure that the laziness of man could invent'. (Ibid., p.26)

15. 'There is no good husbandry without high rents'. A. Young, *A Six Months Tour through the North of England*, 1770, Vol. IV, p.496.
16. Shelford, *The Law of Copyholds*, p.120.
17. Cuddon, p.1.
18. Francis Iveson, the son of William Iveson II of Hedon, removed to Beverley and became the steward for Richard Bethell's manors of Hornsea, Leven and North Frodingham, 1817-34.
19. At Hedon, where the parliamentary franchise was vested in the freemen, Thomas Oldfield said of them, 'The families of several burgesses have almost lived by their exactions, and yet their idleness has ruined them'. T. Oldfield, *An Entire and Complete History, Political and Personal, of the Boroughs of Great Britain*, 1794. Oldfield's description of the Hedon electors is reproduced in greater length in J. Markham, *The 1820 Parliamentary Election at Hedon*, 1970 p.8. Beverley, the administrative centre of the East Riding, was finally disenfranchised for, 'corrupt practices at the election of 1868, and at several of the preceding ones, ...' G.R. Park, *Parliamentary Representation of Yorkshire*, 1886, p.239.
20. R.L. Leonard, *Elections in Britain*, 1968, p.10, states that the total electorate rose from 509,000 to 720,000 as a result of the passing of the Great Reform Act of 1832.
21. BPP, 22 March 1839 (122) I 417.
22. 4 & 5 Vict. c.35, 1841
23. ERRAS, DDHE 33 (Lot 454)
24. William Constable's Grand Tour covered the period 1769-71. For this, and details of the creation of a landscape garden at Burton Constable, see I. & E. Hall, *Burton Constable Hall, a Century of Patronage*, 1991, p.11 and pp.68-70.
25. A memo dated 29 August 1844 signed by Cuthbert Watson and William Iveson, agents for Sir T.A.C. Constable, reproduced in the document, 'Enfranchisements 1871-84', ERRAS, DDCC 15/346.
26. Taking a number of Lincolnshire enfranchisements from the annual reports of the Copyhold Commissioners in the period 1865-78, the average terms for arbitrary fines were 4½ years AV and 28 years QRs, and fines certain, ¾ year AV and 28 years QR. The Commissioners reported that in a period of agricultural depression, some lords would reduce their terms.
27. RDB AY/287/462.
28. ERRAS, DDCC(2)/80. Vol. 1772-82, pp.60-61.

29. RDB AW/25/45.
30. RDB AX/92/4.
31. Information ex Mrs. S. Gardner.
32. K.J. Allison, *Hull Gent. Seeks Country Residence 1750-1850*, p.43. EYLHS, No.36,1981, p.43.
33. RDB BC/237/371.
34. ERRAS, DDCC 111/38.
35. Court book Manor of Leven, HUL, DSJ/51, p.265.
36. BPP, 1835 (599) II. 83.
37. See Venn, *Foundations*, p.29.
38. BPP, 1841 Session 1, I (279).
39. William Blamire (1790-1862) represented the eastern division of Cumberland in the 1830s but resigned his seat in Parliament to become the Head Commissioner of the Tithe Commission. He automatically became one of the first Copyhold Commissioners in June 1841 and served until ill-health forced his retirement in the summer of 1860. His obituary notice in the *London Times* of 14 January 1862 described him as a large landowner in his native county.

George Darby (1798-1877), a barrister, was acknowledged as a leader of the Conservative Party in East Sussex, and a frequent speaker in the House of Commons. He was a Deputy Chairman of the East Sussex Quarter Sessions and commanded the 3rd Sussex Artillery Volunteers. (*London Times* obituary 19 November 1877).

Probably the best known Copyhold Commissioner was James Caird (1816-92), created a baronet in 1882 for his services to agriculture. A fluent writer on the subject, his best known work, written in 1851 at the request of Sir Robert Peel, was *English Agriculture in 1850-51*, said to be, 'the only general state of agriculture throughout England since Arthur Young's Tours'. He was elected a member for Dartmouth in 1857, supporting the Liberal policies of Lord Palmerston. Two years later he was elected for Stirling unopposed and remained in Parliament until 1865. In that year he was appointed to the post of Enclosure and Copyhold Commissioner. Eventually he became a Land Commissioner and a founder member of the Board of Agriculture in 1889. He retired in December 1891 with the comment from the *London Times* that he would, 'carry into retirement the best wishes of every farmer and land owner in the country'. (*London Times* obituary 11 February 1892).

40. William Blamire, one of the original Commissioners, signed 19 annual reports from 1841-49. George Darby signed 27 annual reports from 1851-77 and James Caird signed 18 annual reports as a Copyhold Commissioner and carried on as the Head Land Commissioner after 1882.

41. 4 & 5 Vict. c.35, 1841
42. Copyhold Act 1841, section LXXXIII, for which see Cuddon p.194.
43. BPP, Copyhold Commission, nineteenth report 1861 (2,774) Vol. XX 1869.
44. The Universities and Colleges Estates Act of 1858, extended by further acts of parliament in 1860 and 1880, required the Colleges of Winchester and Eton and the Universities of Oxford and Cambridge to seek the consent of the Copyhold Commissioners for all sales and purchases of land. This requirement also included enfranchisements, exchanges and the raising of money through mortgages. (See Land Commission Reports for England e.g. first report 1884 (c.3,910) Vol. XXII, 513.)
45. It is interesting to see that the three Land Commissioners who signed the new reports were James Caird, G.A. Leach and Lord Lyttelton. They had all previously been Copyhold Commissioners.
46. BPP, Land Commission fifth report 1888 (c.5,288) Vol. XXXIII.215.
47. 57 & 58 Vict. c.46, 1894.
48. Although a relatively rare occurrence, the Commissioners included in their annual reports instances where they had suspended enfranchisement proceedings. One example was reported in the 25th report for 1867 (BPP, 1867 (3,781) Vol. XIX. 15) when the Commissioners suspended one compulsory enfranchisement on account of the hardship of the tenant.
49. BPP, Copyhold Commission, first report 1842 (500). Vol. XXV. 53.
50. BPP, Copyhold Commission, second report 1843 (492) Vol. XXIX. 11.
51. BPP, Copyhold Commission, third report 1844 (578) Vol. XXXI. 97.
52. BPP, Copyhold Commission, fifth report 1846 (732) Vol. XXIV. 132.
53. BPP, Copyhold Commission, sixth report 1847–48 (891) Vol. XXVI. 97.
54. BPP, Ecclesiastical Commission, first general report 1846 (35) Vol. XXIV. 183.
55. BPP, Church Estates Commissioners, second general report 1852–53 Vol. XL. 33.
56. Ibid.
57. Copyhold Commissioners' sixth report 1847–48. As note 53 above.
58. As early as 1846, the Copyhold Commissioners had recommended to the Secretary of State, the need for Parliament, 'to sanction a compulsory extinction of the copyhold incidents, more especially of heriots.' (Fifth report, 1846 (732) Vol. XXIV. 101).
59. BPP, 1849 (203) Vol. II.173.

60. BPP, 1850 (144) Vol.I. 417.
61. BPP, Copyhold Commission, eleventh report 1852–53 (1,592) Vol. XL 241.
62. 15 & 16 Vict. c.52, 1852.
63. BPP, Copyhold Commission, forty-first report 1883 (3,490) Vol. XXI. 505.
64. BPP, Copyhold Commission, eighth report 1850 (265) Vol. XXXIII. 277.
65. The Manor of Tupcoates with Myton was a small area between the Hessle Road and English Street on the western side of Hull, which became urbanised in the mid-19th century. The enfranchisements of the Manor of Tupcoates with Myton are to be found in MAF 9, Box 364, at the PRO.
66. See C.Clay, 'The Management of Estates', from *The Agrarian History of England and Wales*, Vol. V, 1640–1750, p.199. Also M.E. Turner and J. Beckett, 'The Lingering Survival of Ancient Tenures in English Agriculture in the 19th Century'. From *Proceedings Twelfth International Economic History Congress*, Madrid, August 1998, pp.5–6. On p.200, Clay, *Agrarian History*, states that west of a line, 'from Cheshire and Derbyshire, through Warwickshire, Oxfordshire and Hampshire, the normal form of customary tenure was copyholds for lives ...' This being so, it was possible that copyholds could be extinguished by landlords not renewing lives.
67. The 1858 Universities and College Estates Act obliged the Colleges to process all their enfranchisement applications through the Copyhold Commissioners.
68. BPP, Copyhold Commission, eighteenth report 1860 (2,634) Vol. XXXI. 441.
69. Cuddon, p.7, footnote.
70. Adkin, p.88. By 1919, Adkin's figure of 'over 17,000 enfranchisements' had risen to over 23,000. Source: 'Annual Report of the Proceedings under the Tithe, Copyhold, Inclosure, Commons and other Acts for the year 1919'. BPP, Cmd 928, 1920, Vol. XIX.
71. Court copy. Admission to three messuages in Saint James's Square, Mr. George Higham to Mrs. Ann Harrison 6 November 1882. Author's collection.
72. PRO, MAF 9, Box 363, no. 17,264.
73. PRO, MAF 9, Box 363, nos. 18,778 and 18,779.
74. PRO, MAF 9, Box 363, nos. 2,175, 2,1754 and 23,307.
75. PRO, MAF 9, Box 364, nos. 11,040, 18,186, 22,663 and 24,259.
76. RDB LI/8/12.
77. RDB HQ/221/277.

78. RDB HR/198//245.
79. RDB HK/367/393.
80. RDB HU/259/315.
81. 12 & 13 Geo.V c.16, 1922.
82. Law of Property (Amendment) Act 1924. (15 & 16 Geo.V c.5).
83. Law of Property Act 1922, fourteenth schedule, section 139.
84. *Ibid.*, thirteenth schedule, section 139.
85. ERRAS, DDCC(2)/80, Vol.1772–82, p.108.
86. Loose sheets within the court book of the Manor of Roos, HUL, DDCV 134/17.
87. ‘A cottage called West Close now consisting of a close of meadow or pasture land ...’, ‘A cottage called Tindall Close ... being a cottage and one piece of meadow land near Arram Gate ...’. Extracts taken from the Award of Enfranchisement, Board of Agriculture, 24 August 1898. Court book Manor of Hornsea, HUL, DSJ/43, 1897–1902, p.179.
88. ERRAS, DDCV 32/42.
89. The Law of Property Act 1922 laid down that the description of any land affected by manorial incidents, ‘... will be taken from the Court Rolls, unless a new description is agreed to’. Thirteenth schedule, section 138, form No.1.
90. Copyhold enfranchisements, ERRAS, DDCC 111/38.
91. PRO, MAF 9, Box 363, no. 17,264.
92. PRO, CRES 5/158.
93. PRO, CRES 5/159.
94. BIHR, CC Ab12. Eas.4.
95. RDB AQ/297/27.
96. ERRAS, DDCC(2)/80. Vol. 1841-52.
97. PRO MAF 9. Box 363, nos. 18,778 and 18,779.
98. HUL, DSJ/47, p.619.
99. 12 & 13 Geo.V c.16, 1922.
100. Law of Property Act 1922, section 139, para. (v).
101. R.C.J. Chichester-Constable (1890–1963), a distinguished soldier and

Yorkshire cricketer, also held the rank of colonel as did his father. Later he was promoted to brigadier.

102. W.G.R. Chichester (1863–1942) assumed the name of Chichester-Constable when he inherited the estate in 1894.
103. Apart from correspondence relating to the Manor of Elstronwick, all the quotations used in this section concerning the Constable Manors of Holderness are taken from the box of compensation agreements, ERRAS, DDCC Acc 2788 Relevant letters are archived together with the final compensation calculations and given reference numbers in the 5000s or 6000s. Only these numbers are now quoted for reference purposes, together with the name of the manor and the tenant.
104. No.5,750. Manor of Skipsea, W.W. Lamplough.
105. No.5,344. Manor of Easington, Kilnsea and Skeffling (hereafter EKS). William Tennison.
106. Letter to A. Guy, HUL, DAS 7/10, Box A.
107. No. 5,915, Manor of Burstwick, Mrs. Sarah Blanchard.
108. No. 6,117, Manor of Burstwick, Burton Pidsea Parish Council.
109. No.5,349. Opinion of Mr. Hay, with regard to copyhold land at Withernsea. 'Not agreed by my father'. Letter written by R.C.J. C-C to Maurice Jackson, 1 November 1935. It is difficult to understand, without further facts, how the tenant could claim that the entry fine was barred by the statute. Section 130, para 3 of the 1922 Act states that no fine is payable if a mortgagee, 'conveys the land to a purchaser, or transfers the mortgage without the concurrence of the mortgagor'. Section 140, para (c) states that no compensation shall be payable as manorial incidents if no application has been made before 29 November 1939, but this would not apply in this case. See *Halsbury's Statutes of England*, third edition, Vol. 7, p.79 and p.95.
110. Letter 29 September 1930. Arthur Lockwood to Stamp, Jackson and Sons. No. 5,412, Manor of Burstwick.
111. No. 5,372, Manor of EKS, Charles F. Biglin.
112. No. 5,380, Manor of EKS, John Clubley.
113. No. 5,375, Manor of EKS, James Arthur Johnson. (1) Letter R.C.J. C-C to Stamp, Jackson & Sons, 8 December 1934. (2) Letter from Stamp, Jackson & Sons to J.A. Johnson, 11 December 1934. (3) Letter Maurice Jackson to R.C.J. C-C, 18 December 1934.
114. Letter 11 May 1935, Thomas Holtby of Driffield to Stamp, Jackson & Sons. No. 5,611, Manor of Cleeton, John Winter.
115. No. 5,501, Manor of Burstwick, Samuel Richardson.

116. Letter Mrs M.J. Guy to Stamp, Jackson & Sons, 1 November 1929. No. 5,404, Manor of Burstwick.
117. No.5,371, Manor of EKS, Mrs Ann Bean. Letter dated 13 September 1933.
118. Letter Watson, Carrick & Sons to Mrs. Elizabeth Johnston, 29 November 1935. Manor of Elstronwick, HUL, DAS 7/10, Box B.
119. Letter 15 March 1938, R.C.J. C-C to Stamp, Jackson & Sons. No. 6,265, Manor of Skipsea.
120. Manor of Easington Rectory. Court book entry of 24 October 1951, concerning the former tenant J.A. Johnson (see previous note No.113). BIHR, CCAb12 Eas4.
121. Correspondence, Manor of Elstronwick. HUL, DAS 7/14.

CHAPTER 7

CONCLUSIONS

The main objective of this thesis was to identify the areas of copyhold tenure in Holderness at some early starting point, and to plot their disappearance over time. By the end of the eighteenth century, copyhold was widely seen as an antiquated form of tenure, having its origins rooted in the villein servitude of the middle ages. In focussing clearly on a specific form of tenure and the copyholders, who held their estates of the manor, it was possible to avoid the confusion which has been generated in the past historiography regarding landownership change involving different classes of rural people, variously described in texts as freeholders, leaseholders, yeomen, husbandmen, small farmers and peasants.¹ Though copyhold owner-occupiers, farming their land were usually described as yeomen in the Holderness court rolls,² this thesis has avoided the subject of small farmers and their demise – a topic which has been the focus of much historical debate in the past and concentrated on the survival of copyhold tenure.

The work collated in chapter five showed the presence of copyholds as having a patchwork appearance in Holderness, with some parishes containing relatively large amounts of copyhold lying side-by-side with parishes entirely made up of freehold or leasehold tenure. To speak of parishes in connection with copyholds is, however, misleading. Copyhold tenure was a direct and integral constituent of the manor, being a historical development from villein origins. By 1750, Holderness copyholds existed wherever manorial control, measured by the holding of regular courts and maintaining well-kept court rolls, was at its strongest. It was true that in the 1750s a number of Holderness court barons still existed for freeholders, leaseholders and rack-rented tenants at manors such as Aldbrough, Beeford, Burton Constable, Brandesburton, Fitling, Flinton and Woodhall, but on the basis of surviving call rolls, freeholders' courts had begun to wither away as the eighteenth century drew to a close. Apart from the Manor of Ottringham which appears to have held

courts until 1883, Tunstall 1875 and Winton cum Barmston 1875, all other Holderness freehold courts had been discontinued by 1828.³ In contrast the customary courts for copyholders, sitting under a variety of names, continued to exist after 1800 and into the twentieth century. The prime reasons for the lords to continue with these courts were to document the transfers of copyholds, collect the associated fines and rents and to impose manorial restrictions on the activities of their tenants.

As with the country as a whole, Holderness manors crossed parish boundaries. The Manor of Burstwick with its copyholds in the townships of Burstwick and Skeckling, Burton Pidsea, Keyingham, Lelley, Owstwick, Preston, Sproatley and Tunstall, held the fee simple in two separate divisions of the wapentake, as also did the Sykes's Manor of Roos. The distribution of manorial copyhold land in Holderness was widely scattered over the townships as shown in the three tables 7:1, 7:2 and 7:3.

Table 7:1 Copyhold land held by manor in the South Division of Holderness, c.1750 – 1860.

Manor Townships	Former open land	Old enclosures	Total area
	Acres	Acres	Acres
1. Burstwick			
(i) Burstwick and Skeckling	84	112	196
(ii) Keyingham	890	88	978
2. Easington, Kilnsea and Skeffling			
(i) Easington	641	201	842
(ii) Kilnsea	295	147	442
(iii) Skeffling	422	111	533
(iv) Dimlington	53	133	186
3. Dimlington			
Dimlington	50	222	272
4. Thornton in Easington			
(i) Easington	144	19	163
(ii) Kilnsea	54	---	54
(iii) Skeffling	5	---	5
5. Easington Rectory			
Easington	35	11	46
6. Out Newton			
Skeffling	5	---	5

7. Burstall Garth Skeffling	110	---	110
8. Hollym Hollym	44	---	44
9. Withernsea with Owthorne			
(i) Hollym	2	3	5
(ii) Withernsea	243	86	329
(iii) Owthorne	96	8	104
10. Withernsea with Owthorne Priorhold			
(i) Hollym	4	---	4
(ii) Withernsea	58	---	58
(iii) Owthorne	3	1	4
(iv) Holmpton	---	1	1
11. Holmpton Welwick and Weeton	10	9	
12. Roos			
(i) Holmpton	9	---	9
(ii) Ottringham	10	2	12
(iii) Paull	---	1	1
(iv) Waxholme	---	22	22
13. Patrington			
(i) Patrington	1,552	136	1,688
(ii) Welwick Thorpe	---	16	16
14. Patrington Rectory Patrington	77	10	87
15. Welwick Provost Welwick and Weeton	231	50	281
16. Weeton Welwick and Weeton	94	---	94
17. Kelk in Welwick Welwick	35	13	48
Totals	5,256	1,402	6,658

Table 7:2 Copyhold land held by manor in the Middle Division of Holderness c.1750 – 1860.

Manor Townships	Former open land	Old enclosures	Total area
	Acres	Acres	Acres
(12.) Roos			
(i) Albrough	37	1	38
(ii) Etherdwick	---	15	15
(iii) Roos	868	43	911
(iv) Tunstall	49	---	49
(1.) Burstwick			
(i) Burton Pidsea	1,210	120	1,330
(ii) Elstronwick	211	13	224
(iii) Lelley	277	11	288
(iv) Preston	1,050	74	1,124
(v) Salt End	37	---	37

(vi) Sproatley	87	9	96
(vii) Tunstall	7	---	7
(viii) Owstwick	---	3	3
18. Elstronwick Elstronwick	351	27	378
19. Preston Rectory Preston	2	8	10
Totals	4,186	324	4,510

Table 7:3 Copyhold land held by manor in the North Division of Holderness c.1750 – 1860.

Manor Townships	Former open land	Old enclosures	Total area
	Acres	Acres	Acres
20. North Frodingham			
(i) Beeford	153	29	182
(ii) North Frodingham	1,577	69	1,646
(iii) Seaton	---	68	68
(iv) Dringhoe, Upton etc.	40	10	50
(v) Ulrome	16	2	18
21. Priesthold			
(i) Beeford	23	---	23
(ii) Dunnington	---	1	1
22. Hornsea Hornsea and Hornsea Burton	1,459	227	1,686
23. Leven Leven	892	40	932
24. Leven Rectory Leven	---	3	3
25. Sigglesthorpe Sigglesthorpe	1	---	1
26. Skipsea			
(i) Dringhoe, Upton etc.	18	---	18
(ii) Skipsea	612	11	623
27. Cleeton Skipsea	769	10	779
28. Beverley Water Towns			
(i) Tickton	168	388	556
(ii) Weel	386	307	693
29. Beverley Chapter Tickton	38	92	130
Totals	6,152	1,257	7,409

The three manorial tables show that there were 29 manors active with copyhold tenants, in Holderness, at the time of enclosure of its open fields. It is a measure of their survival that

out of these 29 manors, twenty have court books extant with full entries up to the year 1924, or beyond.

The ownership of the 29 manors was in the hands of a wide number of lords, but in terms of significant acreages held, this number reduced to a mere handful. By far the largest portion of copyhold acres in Holderness belonged to the Constables of Burton Constable. With 7,069 acres in the former open fields and 1,142 acres in the old enclosures and village garths, their manorial ownership represented 44.2% of the total identified copyholds of 18,577 acres. Next in size came the Bethell manors of North Frodingham, Hornsea and Leven, amounting to 4,137 acres in the former open fields and 445 acres in the old enclosures and village garths. Taken together, the Bethell acreages represented 24.7 % of the total. If the Sykes's Manor of Roos, the Maister's Manor of Patrington and the two Beverley manors, taken together, are added to the Constable and Bethell acreages, in total they accounted for 16,889 acres, or 91% of the total. (See appendix 1).

As discussed in chapter two, to all intents and purposes the Holderness copyholds were copyholds of inheritance. The only minor deviation from this being the Manor of North Frodingham where a form of copyholds for lives existed, but with a custom of tenancies being offered to the legal heir on the last life falling.⁴ Amongst the copyholds of inheritance, there existed two separate forms, copyhold in bondage and copyhold free, or to use the usual Holderness description, 'without impeachment of waste'. The first mentioned represented more closely the original form whereby the lord had the power to exert a degree of farm management control on the tenant, and reaped a higher financial gain by imposing arbitrary fines at every change of tenant.

Copyhold free status had resulted from settlements made in earlier times when the lords negotiated entry fines equivalent to one or two year's quit rent and gave greater freedom to the tenants to manage their land in return for a one-off lump sum payment. The difference

in terms of financial burden on the tenants between the two forms of copyhold of inheritance was considerable. Even with the generally accepted principle that entry fines should be 'reasonable' with a norm seen as twice the annual rent, the ability of some lords to increase arbitrary fines on the basis of improved land values was quite apparent in Holderness. If the entry fines of the copyhold free tenants of the Manor of Patrington are analysed over the ten year period from 1911 to 1920 (80 admissions), a modest average figure for an entry fine of 13s. 8d. results.⁵ The Bethells fared even worse with their copyhold free tenants of the Manor of Hornsea. In the last three years of operation, 1923 to 1925, the 72 admissions averaged at an entry fine of only 2s. 9d.⁶ In contrast, in the Manor of Elstronwick, where all copyholds were in bondage, the village public house, the Rose and Crown, built on a plot of only 12 perches, enjoying a historically 'frozen' annual quit rent of three pence, cost John Smith's Tadcaster Brewery an entry fine of £18 when they took possession in June 1890.⁷ Nowhere in all the court books of the Manor of Burstwick is the difference between entry fines paid for copyhold free and copyhold in bondage more clearly exemplified than in the case of William Wilberforce, 'the Great Emancipator', who was a copyholder at Preston and who surrendered his estates there, 'to the use of his will' in 1814. When Wilberforce died and his will was read out in a court held at Burstwick on 2 April 1834, the homage jury 'found and presented' that the testator had left his copyhold estate at Preston to the use of the executors of his will upon trust. As usual, the court then dealt separately with the two forms of copyhold. For copyhold in bondage, William died seized of: an allotment of 31a 1r 30p in the North Field and open pasture in the Salt End of the Hay Marsh containing 2r 18p. The fine calculated on these two properties totalled £90. Of copyhold free, Wilberforce died seized of: an allotment of 2a 2r 0p in the North Field; another allotment in the North Field containing 2 roods; a messuage with barns, stables, buildings, garth and homestead on the east side of the Town Street; a parcel of land behind the messuage containing 3 roods; another allotment in the North Field containing 11a 0r 15p; another allotment in the North Field containing 35a 0r

28p, and open pasture in the Salt End of the Hay Marsh containing 2a 2r 22p. These seven properties held copyhold free, produced a fine of £1: 10s: 6½d. to the lord which merely represented the total of one year's quit rent for the seven elements.

Kerridge's remark that, 'free and bond copyholders were found in the self-same manor',⁹ could easily be expanded in respect of Holderness. In pre-enclosure times, the open strips could have both forms of copyhold and freehold all intermixed within a single field, furlong or flatt. At Preston, for example, its 130 pre-enclosure oxgangs made up of 65 freehold and 65 copyhold, had the freehold oxgangs and those with both forms of copyhold, all intermixed. The same jumble of tenures applied to Keyingham's 41 oxgangs and Burton Pidsea's 64 oxgangs. At enclosure, the commissioners intermixed not only land of different tenures but also of different manors. In the East Field of Skeffling, John Porter received a single allotment of area 16a 3r 28p. The area was sub-divided into five sections held as follows: 2a 1r 35p copyhold of the Manor of Burstall Garth; 4a 1r 30p copyhold free of the Manor of Easington, Kilnsea and Skeffling; 3a 0r 0p copyhold in bondage of the same manor; 1a 3r 0p of the Manor of Thornton and 5a 1r 3p freehold.¹⁰

It is not possible to state precisely how much copyhold in bondage and copyhold free land existed in Holderness. Whilst the Constable manors clearly stated the type of copyhold involved in each court book entry, others merely described the estate as being, 'copyhold of inheritance'. In these other cases, identification could be achieved by comparing the quit rents and the entry fines. Where equality existed between the two figures, it indicated copyhold free. Unfortunately the necessary information was not always recorded in every court book. Table 7:4, A, B and C shows the areas of each type, or states, 'copyhold of inheritance' where the type is not certain. It should be remembered that copyhold land of the Manor of North Frodingham was a mixture of copyhold for life and copyhold of inheritance.

Table 7:4 Copyhold areas by type in the former open fields of Holderness, at the time of enclosure.**A: South Division**

CIB: Copyhold in Bondage; CF: Copyhold Free; CI: Copyhold of Inheritance

Manor Townships	Copyhold type (Acres)			
	CIB	CF	CI	Total
Burstwick				
(i) Burstwick and Skeckling	12	72	---	84
(ii) Keyingham	153	737	---	890
EKS				
(i) Easington	197	444	---	641
(ii) Kilnsea	9	286	---	295
(iii) Skeffling	176	246	---	422
(iv) Dimlington	---			
Dimlington Dimlington	---	---	103	103
Thornton in Easington				
(1) Easington	---	144		144
(2) Kilnsea	---	54		54
(3) Skeffling	---	5		5
Easington Rectory Easington	---	35	---	35
Out Newton Skeffling	---	---	5	5
Burstall Garth Skeffling	---	110	---	110
Hollym Hollym	---	---	44	44
Holmpton Welwick and Weeton	10	---	---	10
Withernsea with Owthorne				
(i) Hollym	---	2	---	2
(ii) Withernsea	243	---	---	243
(iii) Owthorne	93	3	---	96
Withernsea with Owthorne Priorhold				
(i) Hollym	---	4	---	4
(ii) Withernsea	---	58	---	58
(iii) Owthorne	---	3	---	3
Roos				
(i) Holmpton	9	---	---	9
(ii) Ottringham	10	---	---	10
Patrington Patrington	---	1,552	---	1,552
Patrington Rectory Patrington	---	77	---	77
Welwick Provost Welwick and Weeton	---	---	231	231
Weeton Welwick and Weeton	94	---	---	94

Kelk in Welwick Welwick	---	35	---	35
Totals	1,006	3,867	383	5,256

B: Middle Division

Manor Townships	Copyhold type (Acres)			
	CIB	CF	CI	Total
Burstwick				
(1) Burton Pidsea	1,170	40	---	1,210
(2) Elstronwick	211	---	---	211
(3) Lelley	98	179	---	277
(4) Preston	330	720	---	1,050
(5) Salt End	---	---	37	37
(6) Sproatley	16	71	---	87
(7) Tunstall	7	---	---	7
Elstronwick Elstronwick	351	---	---	351
Preston Rectory Preston	---	2	---	2
Roos				
(1) Aldbrough	37	---	---	37
(2) Roos	868	---	---	868
(3) Tunstall	49	---	---	49
Totals	3,137	1,012	37	4,186

C: North Division

Manor Townships	Copyhold type (Acres)			
	CIB	CF	CI	Total
Hornsea Hornsea	---	1,459	---	1,459
Leven Leven	892	---	---	892
North Frodingham				
(1) Beeford	---	---	153	153
(2) North Frodingham	---	---	1,577	1,577
(3) Dringhoe etc.	---	---	40	40
(4) Ulrome	---	---	16	16
Priesthold Beeford	---	---	23	23
Sigglesthorpe Sigglesthorpe	---	---	1	1
Skipsea				
(1) Dringhoe etc.	---	---	18	18
(2) Skipsea	612	---	---	612
Cleeton Skipsea	---	769	---	769

Beverley Water Towns				
(1) Tickton	---	---	168	168
(2) Weel	---	---	386	386
Beverley Chapter				
Tickton	38	---	---	38
Totals	1,542	2,228	2,382	6,152

If the columns of the three sections of the manorial table are added up, it produces 5,685 acres of copyhold in bondage; 7,107 acres of copyhold free and 2,802 acres of unclassified copyholds of inheritance. All that can be said, therefore, is that both forms existed in Holderness, with no overwhelming proportion of either being present. It has been shown that after enclosure, one acre in every five (22.5%) in the former open fields of Holderness remained as copyholds. After a short burst of enfranchisements in the period 1774 to 1796, no further conversions took place until 1853. Thereafter enfranchisements proceeded with varying rates as demonstrated in the bar charts of chapter six. Finally, it is estimated that 49 % of the former open fields of Holderness awarded at enclosure remained as copyhold on 31 December 1925.

Why did this level of copyholds survive in the face of strong public opinion against the tenure, numerous acts of parliament passed to facilitate enfranchisement, and the more attractive aspects of freehold such as complete freedom of farm management and higher land values? The position of the lords in this question is the most puzzling and without documentary evidence shedding some light on the matter, any answer here can only be conjecture. One undisputed fact is that William Constable offered enfranchisement terms to his copyhold tenants in 1774.¹¹ The offer was also repeated by Sir T.A.C. Constable in 1844.¹² soon after the passing of the first Copyhold Act. From the lord's position, copyhold free produced little income. Quit rents were pegged at historically low levels and entry fines were frequently anchored at a sum equal to one year's rent.¹³ Similarly, for copyholds in bondage, quit rents were at the same historically low and static level. It was true that entry fines in bondage could be financially beneficial to the lord, but they were

received at irregular and uncertain times. It would appear, therefore, that an 'up-front', lump sum payment would have been a more attractive proposition to the lord.

When the 1852 Copyhold Act ¹⁴ was introduced giving compulsory powers to both the lord and the tenant to enforce enfranchisement, it would have been understandable had there been a consolidated move on the part of the Holderness lords to exchange manorial incidents for either a rent charge, which would have provided them with a regular income, or a worthwhile one-off, lump sum payment. James Cuddon, writing on the Copyhold Acts in 1865, believed that, 'nine-tenths of such notices (to compel enfranchisement) ... would have emanated from lords of manors'. ¹⁵ A barrister of the Middle Temple, Cuddon was also lord of a number of manors in Norfolk, Suffolk, Buckinghamshire and Surrey, and an enthusiastic proponent of enfranchisement in the early 1860s. ¹⁶

Cuddon's enthusiasm for enfranchisement was not followed by the Holderness lords, but sporadic enfranchisements began to take place in the 1860s and eventually the pace quickened towards the end of the nineteenth century. Unfortunately, as the area's enfranchisements carried out in the period 1853 to 1925 were very largely negotiated by agreement under common law, we have no means of telling now which party initiated the process. Why were the Holderness lords reluctant to enforce enfranchisement, particularly after 1858 when the restriction on compulsory enfranchisements only being operable for admissions which had taken place post 1 July 1853, was removed? It might be said that the lords were unwilling to break up their estates by granting freeholds, and perhaps there was even a residual element of feudal grandeur left over from the eighteenth century. 'It is impossible to be at ease and quiet in the country without manorial property' wrote Sir Christopher Sykes, in 1792. ¹⁷ Of course there was an alternative open to the lords in that they could have attempted to buy out a copyholder's interest in the land. There is some evidence that this did happen in Holderness over a long period of time (see pp.263-264), but the practice was not extensive. Against this it has been claimed that the agricultural

depression of the 1870s and 1880s heralded the decline of the East Riding squirearchy and the process of selling off parts of their large estates began at that time.¹⁸ When William Froggatt Bethell sold the manorial rights of the Manor of North Frodingham in 1877 to Henry Walker, a Beverley doctor of medicine, it was purely as a commercial chattel, the sale advertisement making no mention of agricultural potential:

‘Yorkshire – A Copyhold Manor – The Manorial rights of which extend over upwards of 1,500 acres of land and numerous messuages and tenements. This is a desirable investment for Solicitors or other persons who may wish to enfranchise or commute the manorial rights – Price £2,000’.¹⁹

Henry Walker did in fact, sell on his manorial rights at North Frodingham in 1898 to his steward, the solicitor, Henry William Bainton. Even so, almost 41% of the open land at North Frodingham awarded at enclosure in 1808, remained as copyhold on 31 December 1925.

One possible argument to support the lack of enthusiasm shown by the Holderness lords for enfranchisement might be that they, or their stewards, were perfectly happy with the income generated by way of rents and fines from their copyhold tenants, whose holdings would have been expense free to the lords in terms of capital outlay and maintenance costs. In 1790, James Iveson was asked the question by William Constable’s steward, John Raines, what income do the Holderness manors bring in?²¹ Iveson, in reply, produced lists of the copyhold rentals for the years 1768 to 1790. These are shown in Table 7:5 and reveal a virtual stagnation in the rental amounts.

Table 7:5 Copyhold rents for the Constable manors of Holderness, as reported by James Iveson in 1790.

Manor	Copyhold rent					
	1768			1790		
	£	s.	d.	£	s.	d.
Burstwick						
Preston	67	0	0	67	18	5¼
Lelley	10	12	8	10	8	10½
Elstronswick	12	17	8	12	17	8
Burton Pidsea	41	0	0	41	7	5¾
Keyingham	29	0	0	29	0	0½
Burstwick	12	14	8	19	14	2½
Skeckling	6	7	6½			
Sproatley	12	0	0	12	0	0
Easington, Kilnsea and Skeffling						
Easington	23	6	8	24	9	9¾
Kilnsea	27	14	1	27	17	0
Skeffling	22	7	0	23	4	4
Withersea with Owthorne						
Skipsea	23	5	8	23	5	10½
Cleeton	22	12	0	23	0	9
Cleeton	32	0	0	32	0	0
Total rent	342	17	11½	347	4	5¾

Source: ERRAS, DDCC 112/130.

It will be remembered that John Raines's system of accounting included within these rents a figure for 'wastes and enfranchisements', (see chapter five), so Iveson noted that for actual payment received, a sum of £96: 8s: 6¼d. had to be deducted from the 1790 rental, leaving a net receipt of £250: 16s: 10½d. per annum.

A better picture of financial growth was apparent in Iveson's calculations of entry fines. His yearly average for the twelve year period 1758 to 1769 amounted to £97: 0s: 0d., but in the ten year period 1781 to 1790, the average had risen to £144: 0s: 10½d. Together with rents received, Constable therefore had an average annual copyhold income of £394: 16s: 10½d. To put this into perspective, John Raines's own survey of William Constable's Holderness estates recorded a total of 12,671 acres with rents of £8,460: 16s: 10½d. ²² Hence, even if copyhold fines are added to the rents, the combined income of £394: 16s: 10½d. only represented 4.7% of Constable's annual rent roll.

The low manorial income received by the Constables was echoed by the Bethells. In 1875, their East Riding estates, which were largely in Holderness, consisted of 13,395 acres and a total annual rental of £17,234.²³ Within this rental figure, the copyhold tenants of the Manor of Hornsea contributed £71: 13s: 2d. in 'rents and royalties'. In 1896 the value of Hornsea Manor was quoted at a mere £236: 7s: 2d. per year.²⁴

Many of the smaller Holderness manors generated very little income for their lords and it is quite surprising that some considered it worthwhile to maintain regular manor courts, administer surrenders and admissions and collect rents and fines. The court books of the Manor of Patrington Rectory, for example, covering the years 1801 to 1924, show average entry fines below the one pound level and the largest receipt in a single year only amounted to £3: 16s: 0d. (1880).²⁵

Entry fines were not always paltry, however, as some new copyhold in bondage tenants must have found to their cost. In the Manor of Beverley Chapter, which included land in the Holderness township of Tickton, twenty-two admissions between 1826 and 1856 realised £1,540 in entry fines, an average of £70 per fine.²⁶ The court books of the Manors of Weeton and Roos also show that their copyholders, holding estates 'at the will of the lord', paid substantial entry fines. At Weeton, in the period of 92 years between 1811 and 1903, the average annual income from entry fines was £22²⁷ and in a 65 year period between 1860 and 1925, the Roos copyholders, paid an average annual figure of £88 in entry fines to the lord.²⁸

On balance, it must be said that copyholder fines and quit rents were generally small, and favoured the tenant. Copyhold incomes would not have been a serious inducement for the lords to maintain the status quo of the tenure. Inevitably, one is drawn to the view that the maintenance of copyholds in Holderness was in large measure due to the influence of the lords' stewards and understewards over their masters. Every Holderness steward or

understeward was an attorney-at-law, or solicitor as they were later styled.²⁹ For their court work, the stewards earned both a salary and expenses from the lord, and also fees from the copyholders who were in every sense 'captive clients'. Court work was extremely profitable. When Henry W. Bainton, Bethell's steward at North Frodingham listed his fees for the ten year period ending 1868, they amounted to £41: 8s: 3d. out of which a mere £2: 17s: 7d. was deduced for legal stamps and fines due to the lord.³⁰ These fees appear to be quite modest when compared with William Watson's account to Sir T.A.C. Constable for the period 1864 to 1867.³¹ Watson, who had taken over James Iveson's practice at Hedon in 1850, was appointed understeward of the Manor of Burstwick by Sir T.A.C. Constable in 1862. His agreed salary for holding courts in Holderness was £50 per annum and his recorded fees in the period ranged from £94 to £204 per year.

Fees charges to copyholders involved a long list of legal services. When Robert Wreghitt, a Patrington yeoman, died seized of two closes of arable, meadow and pasture land in the South Field containing 3a 2r 0p and a cottage in Church Lane with garth adjoining, his son and heir John Wreghitt came into court 26 April 1787 and 'prayed to be admitted' a tenant. He then promptly received bill from the court steward, William Iveson:

	£	s	d
'1787 April 26			
Drawing Jurys Verdict to find you entitled to			
Lands in pattrington as Heir to your Father	2	6	
Searching the Rolls for parcels	2	6	
Admittance			6
Extracting Verdict for entry on the Roll	2	6	
Entring (sic) same on the Roll	3	6	
Copy from the Roll	3	6	
Stamp and parchment	7	3½	
	£1	2	3½' ³²

In addition to the steward's fees, Wreghitt would also have been obliged to pay the entry fine, which surprisingly in this case was not written in on the left hand side of the margin of his copy. Special surrenders were charged extra by William Iveson. When James

Drew, a Patrington shopkeeper, and Mary his wife were unable to pay a mortgage demand on their half cottage on the south side of the Market Place and a close in the South Field containing 1a 2r 24p, they were obliged to make a new conditional surrender to William Cockerline, a yeoman from Welton. In this case Iveson's bill dated 18 December 1787 included 13s. 4d. for, 'drawing and engrossing a special surrender'; a charge of 3s.4d. was added for, 'attending at Patrington and Hull' and together with a number of other charges higher than those quoted on the Wreghitt bill, produced a total of £2: 3s: 3d. ³³ Whilst these charges may not appear to be high, they should be compared with an agricultural labourer's wage at that time which varied between one and three shillings a day. ³⁴ In 1791, a labourer, working near Leeds, supporting a wife and two children, the eldest three years old, the youngest an infant, incurred weekly living expenses of 10s. 3d. ³⁵

The influence of lawyers over the squirearchy was not confined only to the East Riding of Yorkshire. Sir Charles Anderson, a member of the family of the earl of Yarborough, wrote in his copy of "The Lincoln Date Book" in 1810:

'I have long been of the opinion that the County of Lincoln is ruled chiefly by agents and attorneys, and that in no other county have they such power'. ³⁶

But in spite of Sir Charles's view, no lawyers could have exploited the manorial situation to greater self-benefit than a succession of Hedon practitioners, who were eventually responsible for the borough being described as 'lawyer ridden' in 1837. ³⁷ The succession began with Henry Waterland of the Old Hall, Hedon, who was appointed understeward of the Manor of Burstwick in 1704, by Robert Constable, the third Viscount Dunbar of Burton Constable. ³⁸ The Constables were Roman Catholics and Waterland assisted the family throughout the difficult times of the Jacobite rebellions and established a close working relationship with the Constables lasting over 60 years. ³⁹ Waterland kept his last court at Burstwick in July 1766, at the age of 93. He died in the September of that year and his place at court was continued by his former clerk, William Iveson (1729–87) who

established the Iveson dynasty of lawyers which continues to this day in Hull and Drifffield. Two of William's sons, William (1764–1843) and James (1770–1850) virtually ran the 'pocket' borough of Hedon and took charge of the Constable's affairs, with William becoming William Constable's solicitor in 1789.⁴⁰ In 1806, William was appointed Francis Constable's steward and general agent. Unfortunately, William's shady dealings in the Hedon parliamentary elections and a number of imprudent land purchases led to his insolvency and short stay in the debtors gaol at York Castle in 1835.⁴¹ Undeterred, William's son Arthur became Sir T.A.C. Constable's steward in 1841 and ran the courts until dismissed in 1862. In Arthur's place, the baronet appointed Thomas Constable,⁴² a kinsman of the Manor House Otley, as his steward, but in fact it was William Watson of Hedon, who had taken over James Iveson's practice, who ran the Burstwick courts. It was not until 1872 that the Hedon connection was severed with the appointment of Bryan Boyes Jackson, a founding partner in the Hull firm of Jackson and Birks, as court steward.⁴³

There is no doubt that the Ivesons manipulated the Constables for their own financial gain. In this they were greatly assisted by Sir T.A.C. Constable's lack of business expertise and whose only real interests were his horses and furnishing his home at Burton Constable. The derogatory remarks about Sir Clifford's interest in business, made by his uncle George Clifford, have already been mentioned in the Introduction (see p.8). The whole process of the enfranchisement of copyholds worked against the long term interests of the stewards, for without copyholders there were no courts and no financial perquisites for the work undertaken. Dealings with the Copyhold Commissioners, and later the Board of Agriculture, incurred additional work by way of answering questionnaires, and whenever demanded, establishing their lord's title. Cuddon listed the particulars of information required to be given by stewards and said they involved, 'great trouble'.⁴⁴ He considered

the scale of steward's compensation, 'in isolated, and especially in small cases' to be very inadequate. Finally he said:

'It is manifest that the completion of an enfranchisement, especially under the compulsory powers of the Acts, involves in all cases much more trouble to the steward than an ordinary admission; and, consequently, if only the same fee on enfranchisement be paid as on admission, stewards of manors do not, in fact, get any compensation whatever on enfranchisement for their loss of office of steward; and this circumstance may perhaps account for enfranchisement not generally finding favour with stewards of manors'.⁴⁵

Such considerations may provide an explanation of why Holderness lords, heavily influenced by their stewards, did not press for the compulsory enfranchisement of their copyholds in the second half of the nineteenth century. It certainly suggests a reason why the majority of Holderness enfranchisements, carried out in the late nineteenth and twentieth centuries, were executed by agreement between the lords and tenants, in the cosy solicitors' offices at Hedon and Hull, under common law rather than under the auspices of the Copyhold Acts.

The case for the tenants wishing to retain the copyhold status quo is more easily defined than for the lords. In financial terms, the customs of the Holderness manors generally favoured the copyholders. The payment of quit rents at historically fixed levels, which did not keep pace with inflation or land values, has been touched upon several times, so has the particular advantage of copyhold free tenants whose entry fines were pegged at one or two years quit rent.⁴⁶ As copyholders of inheritance, they enjoyed virtually all the legal options of property transfers open to freeholders, and as seen in chapter two, many of the Holderness yeoman copyholders were also freeholders in the same or neighbouring parishes. It was a great boon that there was no custom of heriots in Holderness.

In the eighteenth, and much of the nineteenth century, there was an unusual degree of equality between the sexes in being copyholders. Women could inherit, devise, purchase or mortgage copyholds at will. In the Manor of Burstwick, girls aged fourteen could sell

and surrender their copyholds. On marriage, husbands automatically became copyholders, 'in the right of their wives' but the couple surrendered together and the wife was first interviewed separately by the steward to ensure that she had not been coerced into selling the estate. Most Holderness manors interpreted widows' freebench generously allowing possession for life, even after remarriage. Both sexes could sell their reversions as a commercial entity.

By 1750, the main difference between a freeholder and a copyholder was in the form of the conveyance. Neither could avoid the clutches of the lawyer, who either prepared the bargain and sale, or lease and release and registered the transaction at the Beverley Registry Office for the freeholder, or sat as the lord's steward in the manorial court processing surrenders and admissions, receiving fines and whose clerk engrossed the copyholder's parchment. It could be said that both had obligations of 'suit and services' at court although by the end of the eighteenth century, the freeholders' court barons were beginning to wither away, as also were the associated payments of relief and freehold rents. In contrast, the copyholders customary courts were assiduously maintained, fealty was still sworn in court and the new tenant promised to perform the customary 'suits and services' of the manor. But what did these entail?

In a number of ways, as described in chapter four, the copyholders were a self-regulating body on the manor, ensuring with the steward that customs were observed, checking that rents and fines were fairly charged, 'finding and presenting' heirs after the reading of wills, appointing town officers where appropriate, maintaining bylaws, arbitrating on boundary disputes, accepting surrenders out of court and generally acting as manor elders when sitting on the homage or leet juries. Even the attendance at court could be avoided by the production of an essoin or the payment of a modest fine. In the courts of the Manor of Burstwick, for example, an essoin cost the copyholder one penny, the Manor of Holmpton was also one penny and the Manor of Wawne charged defaulters two pence.⁴⁷ It should

be said in fairness, however, that fines for refusing to sit on the homage, or failure to carry out the rotational duties of pennygrave, were quite substantial.

From the eighteenth century onwards, provided the copyholder of inheritance paid the rent annually at Michaelmas, performed the required 'suit and services' and did not 'create waste' if he or she held in bondage, there was absolute security of tenure. By holding a copy of the entry in the court rolls, his or her title to the estate was inviolate and even if no surrender to the use of a will had taken place in the lifetime of the copyholder, on death the estate would have passed down to the legal heir in exactly the same manner as with freeholds under common law or in accordance with the customs of the manor.

If one examines the two lists provided by Adkin to compare the legal properties of copyhold of inheritance and freehold, ⁴⁹ the main points which stand out, said by Adkin to show the 'inferiority' of the base tenure, were that timber and minerals usually belonged to the lord; the powers of leasing were very limited; any improvements made were largely for the benefit of the lord if fines were assessed on annual value and the costs of enfranchisement were high.

Regarding minerals, the Copyhold Act 1894 reserved the right of the lord to mines and minerals, ⁵⁰ but it was possible for copyholders to make an agreement with the lord to extract minerals. In November 1865, J.A. Wade, a brick and tile manufacturer of Hornsea, paid £2 'to dig brick earth, clay, sand and gravel' on 25 acres in Southorpe Field, which Wade had held since 1859. ⁵¹ Alternatively the copyholder could buy out mineral extraction rights from the lord at admission, on enfranchisement or at any time afterwards. Hence when the Hornsea Urban District Council purchased c.21 acres of land to be used as a public park and recreation ground in 1919 from Henry Strickland Constable, the purchase agreement included a clause to release mineral rights. ⁵²

Adkin's comment that manorial leasing was, 'very limited' certainly applied to the Holderness manors where the usual custom did not extend further than two years. It must also be said that there were cases like William and Mary Bell, who attempted to lease their land at Burton Pidsea for 40 years in 1756 and suffered a temporary escheat for acting 'contrary to the custom of the manor'.⁵³ Their action is all the more surprising because as experienced copyholders they must have known the custom of the manor, and also that an application to the lord for a licence to demise was standard practice and could be obtained for a relatively small fee. The court books of the Manor of Hornsea have four entries between the years 1880 and 1920 for the granting of licences to demise for periods of six to ten years. Each licence cost five shillings.⁵⁴

Adkin's last two points concerning land improvements by the tenant forcing up the level of arbitrary fines, and the high cost of enfranchisement have been discussed already and are understood. In terms of the copyhold/freehold debate, the land improvement issue would have been a strong argument in favour of enfranchisement by the tenant whilst the cost of enfranchisement would have been a practical deterrent to the copyholder to make the transfer.

Adkin's lists omit two other important disadvantages of copyhold against freehold for the reason that they were not legal issues. The first of these was the lack of freedom on the part of the 'in bondage' copyholders to manage their farms independently. Actions such as felling trees, demolishing or erecting farm buildings and major drainage changes could not be done without the prior agreement of the lord.⁵⁵ The second point missed from Adkin's lists, which is probably a cumulative result from all the stated disadvantages put together, is that acre for acre copyhold land was less valuable than freehold. In Holderness in the nineteenth century, the sale of farm land was based on an annual rental value per acre times a specified number of years. When Thomas Holden junior, the steward of the Manor

of Holmpton, replied to a questionnaire put to him by the Copyhold Commissioners on 5 September 1855, ⁵⁶ the relevant questions and answers were:

‘Q: For how many years purchase does Freehold land in the neighbourhood sell?

A: From 28 to 30 when at a distance from the sea.

Q: Does land held of the Manor usually sell for less than Freehold land in the neighbourhood?

A: It sells, I believe, from 5 to 7 years less’.

Quite why freehold land should have commanded such a superior selling price is not clear. One possibility is that the lower value placed on copyholds reflected the additional costs of entry fines and enfranchisement. The calculations attached to verifying this theory are made more complex because of the different enfranchisement conditions given to the two forms of copyhold. Whilst the calculations (see appendix 2) do not bear out the validity of this hypothesis, no definite conclusion is possible.

Such a difference in market price was a clear disadvantage to the owners of the copyhold land, but without rising land values, it is difficult to see that this in itself would have been a strong inducement to enfranchise. The question to answer was, could one guarantee that the price obtained for selling newly enfranchised land would make a profit over the cost of enfranchisement? The years purchase for enfranchisement and freehold sale were extremely close. What was completely unaffected by the land value difference between the two tenures was the commercial attraction for buying copyhold land. If Tawney’s imaginary interview between a manor jury and an ‘aged man’ in 1500, produced the statement that:

‘... for as long as he can remember there has been a great deal of buying and selling by the customary tenants’ ⁵⁷

then the phenomenon was exactly the same in Holderness in 1925. Examination of the manor court books show regular admissions by purchase up to and including the final month of December.

It has been estimated that 60% of Holderness land had been enclosed by 1730.⁵⁸ Of the remaining open fields enclosure came either by agreement or by parliamentary acts over a long period between 1731 and 1860. Whilst the enclosure commissioners were instructed to maintain tenures in their awards, a measure which should have preserved the copyhold acreages in each township, the commutation of tithes by awards of land to the tithe owners seriously reduced the copyhold acreage of Holderness and directly increased the freehold portion.

A second factor which reduced copyholds over a long period of time and which was very specific to Holderness was the erosion of land by the action of the North Sea. It could be argued that the waves which battered the Holderness coast-line did not differentiate between freehold and copyhold land, but it was a circumstance of position that a number of townships containing a high proportion of copyholds, such as Skipsea, Hornsea, Owthorne, Withernsea, Tunstall, Easington and Kilnsea, all bordered on the sea and were vulnerable to erosion.

The evidence presented in chapter six shows that the status quo of tenures was maintained in Holderness for over fifty years between 1797 and 1853. The passing of the 1841 and 1852 Copyhold Acts had no effect on the situation and even the 1858 Act which allowed compulsory enfranchisement on request by either the lord or the copyholder with no time restriction on admission, produced few conversions. As the second half of the nineteenth century progressed, enfranchisements in the former open fields began to take place, being transacted very largely by agreement under common law. Even so, at the legal end of copyholds, 31 December 1925, it is estimated that one-half of the copyhold acreage awarded at enclosure remained as copyholds, requiring the extinguishment of manorial incidents.

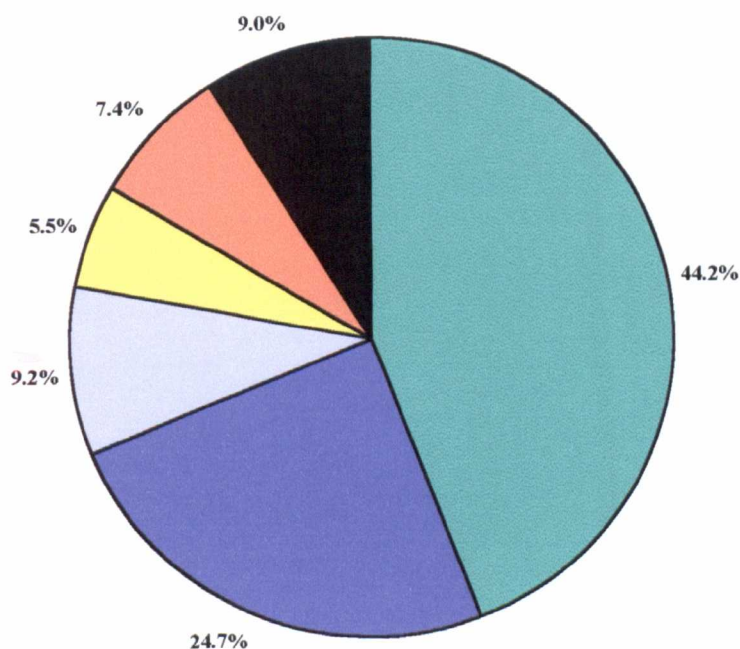
This thesis has also shown that the so-called 'ancient enclosures' of arable, meadow or pasture land in Holderness were almost entirely freehold by enclosure time and mostly farmed in larger units by the lords of the manors or other substantial landowners. Finally, where manorial control was strong, the village garths as for example held of the Manors of Burstwick, Easington, Kilnsea and Skeffling, Hornsea, North Frodingham, Patrington, Roos and Skipsea, contained a high proportion of copyhold tenements. In large measure these resolutely remained as copyholds to the end of 1925.

Land once created freehold could never again be converted back to copyhold. In any manor of England, over a period of time, the proportion of copyholds was bound to diminish as the process of enfranchisement gathered momentum. If Holderness reflected the National scene whereby in pre-Tudor times, the bulk of farming land had been held by copyhold tenants,⁵⁹ then the tenorial situation had reversed strongly in favour of freeholds by 1750. In spite of this, the proof that a proportion of copyholds survived enclosure is clearly established here and this thesis has also shown that in one area of the East Riding of Yorkshire, at least, the 'ancient tenure' did survive in measurable quantities down to the end of 1925.

Appendix 1

Manorial control of copyholds in Holderness

Lord of the manors	Copyhold area of the manors held		Total area held Acres	%
	Open fields Acres	Old enclosures Acres		
Constable	7,069	1,142	8,211	44.2
Bethell	4,137	445	4,582	24.7
Maister	1,552	152	1,704	9.2
Sykes	954	59	1,013	5.5
Beverley Manors	592	787	1,379	7.4
Others	1,290	398	1,688	9.0
Totals	15,594	2,983	18,577	100.0



■ Constable
 ■ Bethell
 ■ Maister
 ■ Sykes
 ■ Beverley Manors
 ■ Others

Appendix 2.**The relative values of Freehold and Copyhold land.**

Hypothesis: The selling price of freehold land was equal to the equivalent quantity of copyhold land, with no discernible difference in soil quality, when enfranchisement costs and entry fines were taken into consideration

For this theoretical exercise the following conditions have been used:

(1) The Constable conditions of enfranchisement 1774–1844. (See chapter six, p.267).

(2) 28 years purchase price for freehold land.

The hypothesis would formulate as follows:

$$\begin{aligned} & (\text{Freehold Annual Value} \times 28) \\ & = (\text{Copyhold Annual Value} \times \text{years purchase}) \\ & \quad + (\text{Entry Fine}) + (\text{Quit rent} \times \text{years purchase}) \end{aligned}$$

Now Annual Value = Area in acres (A) x Rent per acre (R)

Assume the rental (R) is the same for both the freehold and the copyhold land. Assume also the same area (A) for each, then:

Copyhold Free.

If the entry fine ('certain') is twice the quit rent eg., at the Manor of Burstall Garth.

Hence Entry Fine = 2(R).

For copyhold free, the Constable conditions stipulated one year's purchase and 30 years purchase for rents. The hypothetical equation would be, therefore:

$$\begin{aligned} & (\text{Freehold Annual Value}) \times 28 \\ & = (\text{Copyhold Annual Value}) \times 1 \\ & \quad + (\text{Entry Fine}) + 30(R). \end{aligned}$$

$$\begin{aligned} \text{Therefore} \quad 28(A)(R) & = (A)(R) + 2(R) + 30(R) \\ & = (A)(R) + 32(R) \end{aligned}$$

Take:

$$A = 10 \text{ acres}$$

$$R = \text{£1 per acre}$$

Then:

$$\text{LHS of the 'equation'} = \text{£280}$$

$$\text{RHS of the 'equation'} = \text{£42}$$

Clearly the equation is untrue.

Copyhold in Bondage

Assume the entry fine ('arbitrary') is again twice the quit rent. The Constable conditions were 7 years purchase and 30 years purchase for rents.

Hence:

$$\begin{aligned} 28(A)(R) &= 7(A)(R) + 2(R) + 30(R) \\ &= 7(A)(R) + 32(R) \end{aligned}$$

With:

$$A = 10 \text{ acres}$$

$$R = \text{£1 per acre}$$

$$\text{LHS of the 'equation'} = \text{£280}$$

$$\text{RHS of the 'equation'} = \text{£102}$$

Once again the equation is not true, but it is only fair to point out that the 'arbitrary' entry fine for copyhold in bondage could, in practice, have been greater than $2(R)$, making the two sides of the 'equation' closer together.

Manor of Holmpton

The answer given to the Copyhold Commissioners by the steward of the manor, was that copyholds sold for, '5 to 7 years less'. If one, therefore, takes an average value of 22 years purchase for copyholds in Holmpton, and an entry fine of $2(R)$, the 'equation' now looks:

$$28(A)(R) = 22(A)(R) + 2(R) + 22(R)$$

$$= 22(A)(R) + 24(R)$$

Using the same 10 acre parcel of land and rental of £1 per acre:

LHS of the 'equation' = £280

RHS of the 'equation' = £244

Whilst the two sides of the 'equation' have now become much closer, the number of assumptions made, and the lack of knowledge concerning the precise, actual values employed, make it impossible to draw a firm conclusion regarding the validity of the hypothesis.

NOTES AND REFERENCES

To the chapter: Conclusions.

1. Landownership and land occupancy has been a particularly well-worn theme. The following is indicative rather than exhaustive: A.H. Johnson, *The Disappearance of the Small Landholder*, Oxford, 1909; H. Levy, *Large and Small Holdings*, Cambridge, 1911; R.H. Tawney, *The Agrarian Problem in the Sixteenth Century*, 1912; W.E. Tate, *The English Village Community and the Enclosure Movements*, 1967; G.E. Mingay, *Enclosure and the Small Farmer in the Age of the Industrial Revolution*, 1968; E. Kerridge, *Agrarian Problems in the Sixteenth Century and After*, 1969; J.V. Beckett, 'The Decline of the Small Landowner in Eighteenth- and Nineteenth-Century England: Some regional considerations'. *Agricultural History Review*, Vol.30, 1982, pp.97-111; J.V. Beckett, 'The Decline of the Small Landowner in England and Wales 1660-1990', in F.M.L. Thompson (editor), *Landowners, Capitalists and Entrepreneurs*, Oxford, 1994, pp.90-112; R.C. Allen, *Enclosure and the Yeoman*, Oxford, 1992.
2. See chapter 2, Tables 2:4A to 2:L, pp.36-40.
3. Some examples of freeholder court call rolls archived at Beverley ERRAS, are: Fitling DDX 595/85-91; Flinton DDHI (1828); Tunstall DDCV 167/2 and Woodhall DDCC 109/2-13.
4. The custom which prevailed at North Frodingham differed from all other Holderness copyhold manors in that there was no necessity for a tenant, 'to surrender to the use of one's own will'.
5. Figures calculated from entries in the court book of the Manor of Patrington, PRO, CRES 5/489, 1895-1921.
6. Court book of the Manor of Hornsea, HUL, DSJ/47, Vol. 'R', 1923-41.
7. Manor of Elstronwick. List of copyholders, HUL, DAS 7/23.
8. Court book Manor of Burstwick, DDCC(2)/80, 1826-52, p.193.
9. E. Kerridge, *Agrarian Problems in the Sixteenth Century and After*, 1969, p.41.
10. Enclosure map of Skeffling 1765, ERRAS, IA.
11. ERRAS, DDHE/33.
12. ERRAS, DDCC 15/346.
13. Whilst entry fines equal to one year's quit rent were the norm in the Constable's Holderness manors, the court book of the Manor of Burstall Garth (ERRAS, DDIV 25/1) shows that the entry fines were always double the quit rent. This was still regarded as a 'fine certain' and all copyholds of the manor were free.
14. 15 & 16 Vict. c.51, 1852. The compulsory powers only applied to admissions taking place, 'on or after the 1st day of July 1853'.
15. Cuddon, p.7.

16. See the reports of the Copyhold Commissioners. BPP, nineteenth report; 1861 (2,774), XX. 869 and the twentieth report; 1862 (2,947) XIX. 261.
17. Quoted by J.T Ward, *East Yorkshire Landed Estates in the Nineteenth Century*, EYLHS No.23, 1967, p.14. In Jane Austen's *Mansfield Park*, when the Miss Bartrams visit the Rusworths, the narrative describes their approach, '... to a capital freehold mansion, and ancient manorial residence of the family, with all its rights of Court-Leet and Court Baron'. *Mansfield Park*, Vol. I, chapter VIII, p.74, Oxford University Press, 1970.
18. Ward, *Landed Estates*, p.12.
19. HUL, DDCV 121/31.
20. When H.W. Bainton became lord of the manor in 1898, he appointed his partner and relative, H.W. Eddison Bainton as court steward. With this profitable family arrangement there was little incentive for the lord to foster enfranchisement. Source: Court book Manor of North Frodingham, HUL, DDCV 121/10, Vol. 'H', 1886–1923.
21. ERRAS, DDCC 112/130
22. ERRAS, DDCC(2)/8. This survey was carried out in 1779.
23. Ward, *Landed Estates*, p.39.
24. HCRO, DMS 5/51.
25. Court book of the Manor of Patrington Rectory, ERRAS, DDCC 101/1.
26. ERRAS, DDCB 4/274.
27. Court book of the Manor of Weeton, ERRAS, DDCC 101/1.
28. Court book of the Manor of Roos, HUL, DDCV 134/16.
29. The term 'attorney-at-law' was discontinued after 1873, for which see Albert J. Schmidt, 'A Career in the Law: Clerkship and the Profession in Late Eighteenth Century Lincolnshire', *Lincolnshire History and Archaeology*, Vol. 31, 1996, p.35.
30. HUL, DDCV 121/32.
31. ERRAS, DDCC 112/72.
32. Bill in the author's collection
33. Author's collection. Inflationary forces were apparent with the Ivesons' bills to copyholders. In 1793, the same John Wreghitt was charged £2: 1s: 8d. by William Iveson for a straight forward purchase of lands held of the Manor of Patrington Rectory. In the period 1819 to 1846, examples in the author's collection show James Iveson charging copyholders between £4: 5s: 9d. and £5: 11s: 0d. for 'court fees, copy and stamp' at Patrington.

34. Samuel Walter of Holderness, writing to William Iveson 15 April 1767 on behalf of a villager said. 'A poor honest Labouring man has a wife and three small Children, the Eldest but 5 years old, and Buried one three weeks ago. So that he has had Six in the family, all to support this Winter out of a Shilling per day wages'. (ERRAS, DDCC 136/32). Arthur Young bemoaned the fact that farmers were obliged to offer higher wages because, 'the commissioners of a neighbouring drainage cried in Beverley streets, 2s. 6d. a day for common spademen'. A. Young, *A Six Months Tour through the North of England*, 1770, Vol. I, p.192. In the period 1769–71, Young in his *Tour* reported East Riding wages at between 6s. and 8s.6d. per week, figures which were not a lot different from agricultural wages throughout England as a whole. Source: 'Statistical Appendix', *The Agrarian History of England and Wales*, G.E. Mingay (ed.), Vol. VI, 1750–1850.
35. The report of Mr William Kaye, November 1791, of a family living at Chapel Allerton, three miles from Leeds. Taken from Rev. D. Davies, *The Case of Labourers in Husbandry, stated and considered*, 1795. By 1794, wages had risen in line with inflation to a level between 9 and 16 shillings per week, and further to between 15 and 30 shillings per week in 1811, figures based on County Reports to the Board of Agriculture. Source: 'Statistical Appendix', *The Agrarian History of England and Wales*, G.E. Mingay (ed.), Vol. VI, 1750–1850, p.1,088.
36. B.A. Holderness, 'The English Land Market in the eighteenth century: The case of Lincolnshire'. *Economic History Review*, No. 27, 1974, p.566.
37. Quoted from a scurrilous booklet published at Hull in 1837, entitled *The Churches of Holderness, not destroyed but anatomized to demonstrate the unhealthy state of their antiquated constitution*. The author was a person writing under the nom de plume of Geoffrey de Sawtry, Abbot of Meaux.
38. ERRAS, DDCC(2) 43 B (17).
39. In 1718 Waterland received letters of attorney from Cuthbert Constable, 'papist' to register his estates in the East Riding of Yorkshire. ERRAS, DDCC 111/34.
40. Declaration of Richard Iveson of Hedon, 1848, HUL, DHO (3) 12/3.
41. 'I am one of the many unfortunates who have relied too much upon the stability of landed property'. An extract from a letter written by William Iveson to William Carleill 17 December 1836. Iveson went on to explain, 'I became engaged to a large amount for a son of mine who failed at Beverley'. This son was Francis Iveson, who was the Bethell's steward at their Holderness manor courts. Letter in the author's collection.
42. A lawyer, later magistrate and leading Roman Catholic at Otley. See J.F. Supple-Green, *The Catholic Revival in Yorkshire 1850–1900*, 1990, p.17 and p.64.
43. Information obtained from the Manor of Burstwick court book, ERRAS, DDCC(2)/80, 1866–78 and Mr Gerald Procter of Hedon.
44. Cuddon, pp.65-67.
45. *Ibid.*, p.68.

46. See note 13 above.
47. Sources: Manor of Burstwick 1810, ERRAS, DDCC 15/367: court roll Manor of Holmpton, ERRAS, DDHB 18/1 and call roll of the Manor of Wawne, 1766, HUL, DDWI/105.
48. See Table 4:3, p.93 for a list of fines imposed on the copyholder for not serving on the homage jury in the Manor of Burstwick.
49. Adkin, pp.89–90.
50. 57 & 58 Vict. c.46, 1894, Part III, section 23.
51. Court book Manor of Hornsea, HUL, DSJ/37. Vol. 1863–68, p.320.
52. HUL, DSJ/46, Vol. 'Q', 1919–23, p.1.
53. Manor of Burstwick, court held 4 February 1756. ERRAS, DDCC(2)/80, 1747–61, p.130.
54. Manor of Hornsea, court book entries, HUL, DSJ/40, Vol. 'K', 1870–83, p.263; DSJ/45, Vol. 'P', 1911–18, p.433 and DSJ/46, Vol. 'Q', 1919–23, p.154.
55. Even in this case such restrictions could be overcome by applying to the lord for a licence, 'to create waste'. At the Great Court of the Manor of Burstwick held on 7 June 1786, Robert Wood was granted a licence, 'to pull down and waste a cottage'. Also James Shutt obtained a licence, 'to take down a messuage'. ERRAS, DDCC(2)/80, Vol.1782–91.
56. PRO, MAF 20/104, No.1,519.
57. R.H. Tawney, *The Agrarian Problem in the Sixteenth Century*, 1912, p.59.
58. A.Harris, *The Open Fields of East Yorkshire*, EYLHS No.9, 1966, p.3.
59. Tawney, *The Agrarian Problem*, pp.287–288. 'As far as can be calculated, the copyholders far exceeded in number upon most manors all other classes of tenants together'.

GLOSSARY

Within this glossary a number of sources have been used, and which are abbreviated in order to reduce unnecessary length. These relate to the following published secondary sources:

(The place of publication is London unless otherwise stated.)

- Adkin** : B.W. Adkin, *Copyhold and other Land Tenures of England*, 1907.
- Baker** : P.V. Baker, *Megarry's Manual of the Law of Real Property*, fourth edition, 1969.
- Chambers** : E. Chambers, *Cyclopaedia or, an Universal Dictionary of Arts and Sciences* 1781.
- Coke** : Sir E. Coke, *The Complete Copyholder*, edition 1668.
- Darby and Maxwell** : *The Domesday Geography of Northern England*, edited by H.C. Derby and I S. Maxwell, Cambridge, 1962.
- Goodeve** : L.A. Goodeve, *The Modern Law of Real Property*, second edition, 1885.
- Gray** : C.M. Gray, *Copyhold, Equity and the Common Law*, Cambridge, MASS, 1963.
- Harris** : A. Harris, *The Open Fields of East Yorkshire*, EYLHS, No.9, 1969.
- Kerridge** : E. Kerridge, *Agrarian Problems in the Sixteenth Century and After*, 1969.
- Kersley** : *Gibson's Conveyancing*, nineteenth edition, 1964.
- Marshall** : W. Marshall, *The Rural Economy of Yorkshire*, second edition, 1796.
- Park** : P.B. Park, *My Ancestors were Manorial Tenants*, Society of Genealogists, second edition, 1994.
- Stuart** : D. Stuart, *Manorial Records*, Chichester, 1992.
- Topham** : A.F. Topham, *Topham's Real Property*, eighth edition, 1936.
- Wood** : M. Wood, *Domesday, A Search for the Roots of England*, BBC Books, 1992.

Admission : The act of becoming a copyhold tenant of the lord of the manor whereupon the person swore fealty to the lord, paid an entry fine for his or her admission and received a copy of the entry written in the court rolls. Admission always followed a surrender in the case of the sale of a copyhold estate.

Affeeror (Affeerer) : In modern terminology, the affeeror served as the financial auditor or assessor for the manor. In the Manor of Burstwick, two affeerors were sworn in each

year at the October session of the View of Frankpledge with the Great Court. Their function was to ensure that all quit rents and entry fines demanded throughout the year were in accordance with the customs of the manor.

Alienation : Transfer of a customary tenancy. Source: Park, p.47. The term was most commonly used when a copyhold estate was sold.

Amercement : Fining in the modern sense by the imposition of a monetary payment. (See the glossary for **essoins** and **manorial incidents**).

Ancient enclosed land (Old enclosures) : Essentially land which had been enclosed prior to enclosure by act of parliament.

Berewick : A village or hamlet, subject to another township or manor, but detached from it. Sometimes described as an 'outlier'.

Bydale : A division of the open, arable fields of a particular township, in which the order of named oxgangs always followed the same sequence in a complete cycle. Hence in each bydale, every oxgang owner had the same neighbouring oxgang owners. The town of Preston had its North and South fields divided into seven bydales.

Bylawman : An official of the manor court who was responsible for the enforcement of the manor's customs and bylaws.

Call roll : A list of the manor's 'suitors' i.e. those required to attend the manor court being freemen, tenants or copyholders depending on the nature of the court. Surviving call rolls usually indicate who appeared, who provided essoins and who defaulted.

Close : An enclosed piece of arable, meadow or pasture land. Prior to parliamentary enclosure, closes were described as being part of the old enclosures of a township, but after enclosure all allotments in the former open fields became 'closes'.

Composition fine: In Holderness, only found in the court rolls of the Manor of North Frodingham where a type of copyhold for lives was the custom. When the last life fell 'without alienation', the copyhold was forfeit to the lord whereupon the deceased copyholder's heirs would come into court and, 'humbly petition to be admitted to a Fine which the Lord by his or her steward granted seisin'. The heir paid a small alienation fine and a much larger composition fine and was admitted as the new copyholder. The word 'composition' may have its root in the old sense of joining together. Chambers described one meaning of composition as a 'contract between two parties'.

Conditional surrender : The surrender of a copyhold estate to a mortgagee, who would receive and hold a copy of the surrender until the capital and interest due had been repaid. The document always stated: 'To the use of (name of mortgagee) subject to the condition (repayment details) then this surrender should be void and of no effect'.

Copyholder : A tenant of the lord, or lady, of the manor, who held their estate by copy of the court roll, and in accordance with the customs of the manor. There were several types of copyhold: copyhold of inheritance, copyhold for lives and copyhold for years. The first of these three types could also be divided into two separate forms, copyhold free (known in Holderness as, 'without impeachment of waste') and copyhold in bondage. The nature of all these copyholds is described in chapter two of this thesis.

Court baron : Originally the court of the freeholders of the manor where the freemen themselves were the judges and the lord's steward acted as the recorder. Source: Coke p.59. Over time the court barons of Holderness amalgamated with the customary courts to form a single court under the direction of the lord's steward or understeward.

Court book : The replacement for court rolls, a volume being more convenient for subsequent examination. The first court book of the Manor of Burstwick began in 1747.

Court leet : A minor Crown court in which the lord or lord's steward acted as judge on behalf of the Sovereign. Thirteen of the court's male suitors were sworn on the jury, 'for our Sovereign Lord the King (or Queen)'. In the eighteenth century, court leets were held twice a year, usually within a month after Easter and Michaelmas.

Court rolls : Minutes of the proceedings of manor court sessions. These were skins of parchment, often written in both sides, tied or sewn together at the top and rolled up for convenience of storage. Although mainly superseded by court books from 1750 onwards, they continued in use in Holderness in a small number of manors, into the nineteenth century, e.g. Manor of Roos to 1803, Manor of Leven Rectory until 1931. Even though court rolls had been replaced by volumes, lawyers involved with manor court business still referred to 'entries on the rolls' into the twentieth century.

Croft : An enclosed piece of land usually adjoining a messuage or cottage. The descriptions garth and croft are synonymous but whereas 'close', 'garth' or 'parcel of land' are terms very commonly used in Holderness court rolls, 'croft' appears infrequently, mainly in the Northern Division of Holderness, e.g. the court rolls of the Manor of North Frodingham, HUL, DDCV 121/5, Vol. 1756-86.

Curtilage : *Words and Phrases Legally Defined*, Vol.1, A-C, (J.B. Saunders, general ed.) Butterworths, 1969, p.390 states that: '*Burn's Law Dictionary*, 1792 gives the following: "A courtyard, backside or piece of ground lying near and belonging to a house". This definition shows that curtilage must be near a house and must 'belong' to it'.

Customary court : The court of the copyholders of the manor which mainly dealt with transfers of copyholds. The lord's steward, or understeward, ran the customary court, assisted by the homage jury and other officials who were appointed annually.

Customary tenant : A manorial tenant who held his, or her, estate subject to the customs of the manor. All copyholders were customary, but not all customary tenants were copyholders, for which see Kerridge, pp.33-35.

Deed poll : Topham, p.101, defined a deed as , 'a writing under seal'. A deed poll was one which involved only one party, or 'one set of parties'. This was distinct from a deed of indenture where there were two or more parties. The enclosure of Danthorpe in 1735 was effected by deed poll.

Demesne : Land on the manor belonging to the lord. In the East Riding of Yorkshire, the name 'Home Farm' usually had its origins in the Lord's demesne. Demesne land was usually leased or rented out to tenants.

Demise : To transfer an estate by lease.

Devise : To bequeath by will.

Enfranchisement : The conversion of copyhold tenure to freehold by the tenant buying the fee simple of a copyhold estate from the lord, or lady of the manor.

Entry fine : A payment due to the lord, or lady of the manor by the copyholder on admission to a copyhold estate. The amount was usually written in the left hand margin of the copyholder's copy. Some, but by no means all, court book entries also noted the fine in the left hand margin of each page.

Escheat : The forfeiture of a copyhold estate by the lord for a variety of reasons such as failure to pay quit rents or fines, not carrying out 'suits and services', or not observing the customs of the manor. In the nineteenth century, the most common reason was the failure of an heir to appear to be admitted as the new tenant. The procedure called for the making of a proclamation at three successive courts before the court steward ordered the pennygrave to take possession of the estate in the name of the lord. See figure four in chapter four, p.104

Essoin : An excuse given for non-attendance at a manor court. Park, p.49 states that a suitor was commonly allowed up to three consecutive essoins before amercement, but there is no evidence that this was ever the custom in Holderness.

Extinguishment of tenure: A term used by L. Shelford, *The Law of Copyholds in reference to the Enfranchisement and Commutation of Manorial Rights and the Copyhold Acts*, 1853, to denote the purchase of a copyhold estate from the copyholder, by the lord of the manor.

Fealty: A new copyhold tenant was required to swear fealty to the lord. In medieval times this was performed by the tenant, on his knees before the lord with his hands between those of the lord. By the eighteenth century to swear fealty had become a mainly symbolic act, done orally in court. Coke simply said, '... in doing Fealty he (the tenant) onely (sic) sweareth to become the lord's faithfull Tenant'. Female copyholders also swore fealty, but in the Manor of Burstwick minors were excused. It was the custom in the same manor that tenants admitted 'out of court' also had their fealty 'respited'.

Fee : In feudal times a fee meant land granted to a follower from a superior lord in return for swearing allegiance and rendering services, usually of a military nature. The fee was hereditary as long as there were legal heirs and provided the fee holder remained faithful to the lord.

Fee farm rent : An estate granted in return for an annual rental rather than an outright purchase. Intended to be paid indefinitely, it was the equivalent of a perpetual rent charge (Adkin p.18). In the case of Hedon, whose fee farm rent of £30 p.a. was created in 1348, householders of the borough were still paying one shilling on their rates to contribute towards the fee farm rent to the Chichester-Constables up to the late 1940s.

Fee simple : An estate in fee simple was an interest in land which on the death of the tenant descended to his heir. Source: Topham, p.7. The term is still used in modern day conveyances and applies to all real estate. Fee simple is synonymous with freehold and as such it is, ... 'the closest a person can be to absolute ownership of any property, bearing in mind that the land as a whole belongs to the Sovereign'. Source: Gray, p.5.

Fee tail (entail, in tail) : The descent of an estate (freehold or copyhold) 'to a man and the heirs of his body'. (See Adkin, pp.41-46). This meant that an owner in tail could not devise his estate by will, as it automatically passed down to his son. Designed to protect family estates intact, it made it impossible for an heir to sell the property. Lawyers soon found a way round the problem, called 'barring the tail' by a fictitious court process known as 'suffering the recovery'. These legal charades were frequently enacted in the Holderness manor courts until the passing of the Act for the Abolition of Fines and Recoveries in 1833. Thereafter the tail could be barred by a simpler process known as a disentailing assurance. An example of a disentailing assurance can be seen in a court entry for the Manor of Roos, 16 July 1860, HUL, DDCV 134/16, Vol. 1860-1935.

Feoffee(s) : A person, or persons, who are in receipt of land or a fee. The term was usually employed when a person, or persons, held land in trust for the benefit of others. The best known local example is that of the Lords Feoffees of Bridlington, who purchased the Manor of Bridlington in 1630. On a more parochial level, the Feoffees of Hornsea Church lands received a number of allotments in the Hornsea enclosure of 1809. When the time came for the Feoffees to negotiate compensation agreements for these allotments in 1927, they had changed their name to the more modern sounding, Trustees of Hornsea Church lands.

Feoffment : The act of the grant or transfer of a fee.

Fine arbitrary : An entry fine payable to the lord on the admission to an estate held copyhold in bondage, or 'at the will of the lord'. (See chapter two). Although it was stated that fines had to be 'reasonable' and that fines of the order of twice the annual quit rent were considered reasonable, this thesis has shown that arbitrary fines for copyhold village garths were often many times greater than their annual quit rent. In the case of arable, meadow or pasture land, lords could base their fines on 'improved values of the land'.

Fine certain : A known, and usually small entry fine payable to the lord on admission to a copyhold estate. This was always associated with copyhold free, or 'without impeachment of waste' where for example the fine might be equal to one year's quit rent e.g. the Manor of Burstwick, or two years' quit rent e.g. the Manor of Burstall Garth. In the nineteenth century, when copyhold free property was advertised for sale, a positive selling point was to say that the fine was, 'small and certain'.

Flatt (furlong) : Both words used to describe a discrete section of an open field, in which the arable strips of land all lay in the same direction.

Freebench : The right of a widow to the use of the copyhold estate of her deceased husband. In many of the English manors, freebench allowed the widow to hold for life, or until remarriage, but in Holderness it was generally the custom for widows to hold for life even if they subsequently remarried.

Freeholder : A historical descendant of the manor tenant who held his land in socage. (See chapter one, p.13). The freeholder held his estate in fee simple, directly from the Crown, but still attended the manor's court baron, paid a small annual rent to the lord, and also a 'relief' which was usually one year's rent on the death of a freeholder, by the heir. By the end of the eighteenth century these freeholder 'suits and services' had largely disappeared. The conveyance of freehold estates was by deed of grant, or indenture, which in the East Riding of Yorkshire, since 1708 has required registration at the Beverley Registry of Deeds, or more recently the Land Registry Office.

Garth : An enclosed piece of land, usually smaller than a close, attached to a messuage or cottage within the village. Chambers described it as, 'a little back-side or close' and claimed the word was derived from the ancient British word, "Gardd" meaning garden.

Glebe : Church land in the parish, held freehold by the rector or vicar and normally leased or rented out to tenant farmers.

Hereditaments : Property, being land or buildings, which would descend to an heir.

Heriot : 'Payment in kind to the lord (by the heir) on the death of a tenant; traditionally the "best beast". Sometimes commuted to a cash payment'. Source: Park, p.51.

Homage : Technically, the homage were all the customary tenants who attended the lord's manor courts, (Stuart, p.2) but in Holderness by common usage in the court rolls, the homage was the jury sworn in at the opening of a court session.

Husbandman : A small farmer, or person whose livelihood was obtained from farming the land. The term has been used to describe a copyholder but in the Holderness court books both 'yeoman' and 'husbandman' were terms used to describe a copyholder.

Indifferent : Being independent and without having any financial interest in a particular matter. An eighteenth-century term used when copyholders were sworn in at court to adjudicate on boundary disputes. The same expression, 'being indifferently chosen' was used to describe persons nominated to carry out post-mortem inventories.

In reversion: The admission of a copyhold tenant, subject to the life interest of a nominated person e.g. the freebench of a widow. As an example, the Manor of Burstwick court roll stated: 'Thomas Owbridge his son is next heir in reversion after the death of Mary Burnsall, his mother, late widow of Jervice Owbridge'. (ERRAS DDCC(2)/80. Vol. 1747-61, p.119 RHS). The reversion could be alienated i.e. sold, requiring in the example given above for Mary Burnsall and her son to surrender jointly. Reversion could also apply to freehold estates. (See Adkin, pp.21-22).

Knight's service : An element of the feudal system whereby a tenant held land from the Crown, or a superior lord, in return for providing men and arms for military service. (Adkin p.15). Knight's service was abolished at the Restoration (Tenures Abolition Act, 12 Char. II c.24, 1660) which converted knight's service into socage tenure (freehold), for which see Topham, pp.23-24.

Lease (leaseholder) : The grant of land or buildings by the owner (lessor) to another person (lessee or leaseholder) for a specified number of years. At enclosure, lands of the Archbishop of York at Burton Pidsea (1765), Dringhoe, Upton and Brough (1763), Easington (1774) and Keyingham (1806) were all leased out. In all these cases the land was freehold. Copyhold land could be leased out by the copyholder for a short period of time e.g. in the Manor of Burstwick for two years. Longer periods required a licence from the lord.

Livery in seisin : The medieval form of a grant, transfer or conveyance of freehold land. The ceremony of feoffment of livery (delivery) of seisin actually took place on the land, when the seller (grantor, feoffor) handed over some symbol of the land e.g. a piece of earth

or turf, or a twig, to the purchaser (grantee, feoffee). See Adkin pp.35-36 or Topham p.100.

Lord (lady) of the manor : The person who held the manor directly from the Crown in fee simple, unless a condition of entail or settlement for life existed. (See Adkin p.68). As a freeholder, the lord could sell the manor, which included the perquisites of the manor court, as a commercial entity.

Manor (reputed manor) : Kerridge, p.32, described the manor as the basic unit of feudal landownership. Coke (p.52) simply said, '... the two Material Causes (i.e. essential elements) of a Manor Viz. Demesnes and Services ...', but the usual requirement for a manor to exist was the presence of, 'At least two free tenants in fee (freeholders), subject to escheat and capable of forming the court baron'. (Adkin p.70). If this requirement was not fulfilled, the manor lapsed and became a 'reputed manor'.

Manorial incidents : In essence the copyholder's entry fines, quit rents and heriots paid to the lord, but the term might also include the amercements (monetary fines) imposed in the manor courts.

Messuage : Topham, p.11 simply defined 'messuage' as a house. It was the term generally used to describe a habitation superior to a cottage. The usual court roll entry began by saying, 'a messuage, tenement or dwelling house ...'. Kersley, p.183, defined 'messuage' as a dwelling house with the curtilage (see glossary, p.396) and garden attached. A large or important messuage was frequently described as a 'capital messuage'.

Moiety : A half.

Oxgang : The East Riding equivalent of a bovate, being one-eighth of a Domesday carucate or hide. Chambers described the oxgang as, 'being as much land as it is supposed one ox can plow (sic) in a year'. In Holderness, an oxgang was a measure of land in the open field system prior to enclosure, but unfortunately it did not represent a standard uniform area. Whilst a number of sources from Chambers (1781) to W.E. Tate *The English Village Community and the Enclosure Movements*, 1967, p.190, all quoted an average of 15 acres to the oxgang, some Holderness townships e.g. Elstronwick (28 acres) and Keyingham (33½ acres) were much larger. A further complication arose because the oxgang was not always a single area of arable land. At Elstronwick, the oxgang was composed of 12 acres in each of the two arable fields and 4 acres in the Ings. The composition of the Keyingham oxgang is given on p.136. See also Harris, pp.16-17.

Parliamentary enclosure : Enclosure of the open fields, meadows, pastures, wastes and commons by means of an act of parliament. These were invariably private acts in Holderness, for which see K.A. MacMahon, *Acts of Parliament and Proclamations relating to the East Riding of Yorkshire and Kingston upon Hull 1529-1800*, The Department of Adult Education and History, the University of Hull, 1961.

Pennygrave : The document describing the procedures of the Manor of Burstwick, written in 1791, (ERRAS, DDCC(2)/42(1)) states: 'The understeward presides (at court) and is attended by an Officer from each township called a Pennygrave who gives Notice of the courts, calls the same and executes all precepts sent to him from the understeward for the seizure of Forfeited Lands, Distresses, Amerciaments (sic) and collects the copyhold rents in his township'. Pennygraves were appointed annually at the Michaelmas View of Frankpledge with the Great Court at Burstwick and served for one year. They took office

in rotation, either by order of oxgangs or messuage held. Copyholders could be, and were, fined for refusing to take office. Women were expected to serve as pennygraves but invariably appointed a male deputy.

Pinder (pinfold) : A parish or township official whose job it was to round up stray cattle and secure them in a compound known as the pinfold. The owners of the cattle were then obliged to pay a fine for their release. Pinders were only appointed at a manor court, 'if it was the custom to do so'. (ERRAS, DDCC 15/367). Examples from Holderness manor court entries are: Beeford (1762); Easington (1749); Kilnsea (1751 and 1785). No Holderness pinfolds have survived although the enclosure map of Preston 1777 (ERRAS, DDCK 35/1(f)) shows the site of one on the north side of Stakes Road, close to the village cross-roads.

Quit rent : The copyholder's annual rent payable each Michaelmas to the lord. A historical development from medieval times when villeins carried out manual 'services' on the lord's demesne. Over time these manual services were commuted to a money payment, hence a rent 'quit' of services. Quit rents were abolished by the 1922 Law of Property Act. (Topham p.231).

Rack rent : A rent which was based on the economic value of the land and therefore was capable of being increased, or decreased in accordance with current economic conditions. Rack rent is not a modern term, but was in use in the eighteenth century. Chambers defined it as follows: 'Rack rent is the full yearly value of the land let by lease, payable by tenant for life or years'. The term also appeared in parliamentary enclosure acts e.g. for Hornsea, 41 Geo. III, 1801, in connection with the ending of leases held on rack rents. Source: ERRAS, AP 3/54.

Recovery : 'Suffering the recovery' was a process acted out in the manor courts to bar an entail. (See Fee tail in the glossary). Freehold estates in tail could also be barred by means of a recovery until the passing of the Act for the Abolition of Fines and Recoveries, 1833.

Relief : A payment made to the lord by an heir on the death of a freeholder. This usually amounted to one year's rent.

Rent charge : Topham (p.231) described a rent charge as, 'rent which is charged upon land by deed, or by will, or by Act of Parliament, and payable to some person who is not the landlord,...'. In the case of copyholds, however, enfranchisement by deed could be achieved by the payment of an annual rent charge to the lord as an alternative to a one-off lump sum payment. (See the Manor of Holmpton, p.268).

Right of average : The right of freemen and other tenants of the manor to graze their animals on the open arable fields, after the harvest had been gathered in. 'In Huggate (East Riding of Yorkshire), for example, the "average" or aftermath of the arable fields was available for grazing purposes from October 9th until April 5th. each year'. Source: Harris, p.14.

Right of common : The right to use the commons to stock beasts, sheep, pigs etc. and gather fuel and materials for house repairs. Some commons and open pastures were 'stinted' i.e. the number of animals to graze was regulated according to the common right held. The right did not only apply to those with arable land in the open fields, but also to some messuage or cottage owners in the village garths. A typical court book entry at North Frodingham might say: 'A messuage and 7 pastures and 3 parts pasture in Starr Carr

and Common on the Moor'. A number of copyholders there also had a right to a specified number of, 'fodder of Tubary' (turbary) which was the right to dig peat or turf to use as fuel. HUL, DDCV 121/5, Vol. 1756-86. Right of common ended with enclosure when those who had previously enjoyed the right received allotments in the former open fields in lieu.

Right of the soil : The lord of the manor was the owner of the soil of the common land and had a right to use the commons along with his tenants. (Adkin p.162). The lord's rights in practice, however, were somewhat nebulous, as he could not interfere with the rights of the tenants, neither could he take any action which would damage 'the herbage'. Marshall (Vol. I, p.72) considered the lord's right to the soil to be merely honorary, '... for, while the commons remain open, he (the lord) cannot, in strict legality reap any emolument from it'. The lord's right was recognised in a number of Holderness enclosure awards, but the allotments made were very small e.g. Easington 1774: 4a 0r 8p to William Constable; Leven 1796; 3a 2r 36p to William Bethell.

Seisin (seizin) : The 'quiet possession' of real estate. Legal authors such as Baker (p.17), Topham (p.11) and Adkin (p.38) all defined seisin in the context of taking possession of a freehold, but Holderness manor court books quite frequently referred to copyholders being 'seized' of land or buildings. This widening of the use of the term seisin is recognised in Park, p.53.

Severalty : An estate held 'in severalty' is one which is owned by an individual, or a single institution or corporate body. (Goodeve, p.238.) The term applied to both freehold and copyhold and was distinct from a joint tenancy, or where there were a number of tenants involved.

Socage : A word derived from socmen or sokemen. These were agricultural workers on the manor, who swore fealty to the lord and performed service on the lord's demesne of a fixed nature. These tenants eventually became the freeholders of the manor, holding their land in free socage, paying a money rent only but still with obligations to attend the manor court baron.

Suit of court : The copyholder's obligation to attend the manor court in accordance with the customs of the manor. The pennygrave was responsible for notifying the copyholders that a court was to be held and performed a 'roll call' at the commencement of the proceedings. Copyholders who did not produce an essoin (excuse) were fined for non-attendance.

Surrender : The essential first stage in the conveyance of a copyhold whereby the vendor surrendered the copyhold back to the lord prior to the admission of the purchaser as the new copyhold tenant of the manor.

Surrender to the use of a will : Until 1837 with the passing of the Wills Act (1 Vict. c.26, 1837) copyholds could not be devised directly by will as was the case with freeholds under common law. The problem was overcome by a surrender of the copyhold estate in the manor court, 'to the use of a person's will'. After the death of the copyholder, the will would be read out in the manor court and the estate would descend in accordance with the testator's wishes. A variation to the surrender to the use of a person's will was where the copyholder surrendered to the use of his own life, and after death to the use of his wife, and after her decease to the use of such persons as in the last will and testament of the copyholder e.g. ERRAS, DDCC(2)/80, Vol. 1747-61, p.45 LHS.

Tenant right : A form of tenant holding, particularly found in the north-western part of England and which had many similarities to copyhold although it would appear that not all tenants by tenant right held copies. The main difference between copyholders and tenants by tenant right was that the latter paid an additional fine on the change of the lord. A custom similar to tenant right was found at Beeford and Dunnington, in the parish of Beeford, under the name of Priesthold. (See chapter five, p.185). For tenant right see R.W. Hoyle, 'An Ancient and Laudable Custom: The Definition and Development of Tenant Right in North-Western England in the Sixteenth Century', *Past and Present*, No.116, August 1987, pp.24-55.

Tenants in common and Joint Tenants : Tenants in common were tenants who held equal, undivided shares in a property and enjoyed equal benefits such as rents from the property. Each tenant could devise their share on death to their heir, who could then sell his or her share'. This differed substantially from joint tenants, who also shared equally the benefits of the property during life, but on the death of one of the tenants, ownership went to the surviving tenant or tenants. In this way the property remained intact and the last surviving tenant became the sole owner. It was usual for a parent when devising property to a number of children to stipulate in the will 'tenants in common' so that the heirs of their children could benefit from the bequest, e.g. the will of William Iveson of Hedon, dated 31 December 1785, archived at the BIHR. Tenancies in common cannot now exist under the provisions of the Law of Property Act 1925 (15 Geo.V c.20, s.34) See Topham p.67.

Toft : Another term for a small enclosure or parcel of land within the area of the village garths. 'Toft' appears infrequently amongst the entries in Holderness manor court books and it is noticeable that William Marshall did not include the word in his long list of 'Yorkshire Provincialisms'. It does occur in early entries in the first court book of the Manor of Leven (HUL, DSJ/50, Volume 1747-82), usually with a house and sometimes a barn, built upon it. Garths or closes are listed separately from the tofts in the Leven court book.

View of Frankpledge : Dating back to Saxon times, the county hundreds were divided up into tithings – groups of ten men. In these groups, each man stood security for the good behaviour of the others. On a twice-yearly basis, the headman from each group was obliged to attend the Sheriff's Tourn, or wapentake court, to pledge fealty to the Crown and report any wrongdoings. In time, this process was delegated to the lord's manorial court, being conveniently joined to the court leet. See P.D.A. Harvey, *Manorial Records*, British Records Association, Archives and the User No.5, 1999. See also Park, p.5 and Stuart p.1.

Villein : 'The highest class of dependent peasantry below the freeman and sokeman'. (Wood, p.214). Chambers said, 'A villein held lands on condition of rendering base services to the lord', which meant that whilst villeins were allowed to farm their allotted strips in the open fields of the manor, and possessed certain rights in the meadows, pastures and commons, they were obliged to labour on the lord's demesne. At the time of Domesday, the villeins with 73% of the population, were the largest class in the East Riding of Yorkshire (Darby and Maxwell, p.195). From the agricultural labourers in villeinage, emerged the copyholders towards the end of the fourteenth century.

Waste (licence to create waste) : Copyholders in bondage i.e. those who held land or buildings, 'at the will of the lord', were not allowed to create waste without first obtaining

a licence from the lord to do so. Adkin (p.133) quoted the following examples whereby a tenant could cause waste: 'pulling down houses, ploughing up meadows, opening and working mines, or cutting up timber contrary to custom'. Tenants who created waste were in danger of forfeiture of their estate by escheat to the lord, but cases of escheat in this way were rare in Holderness. One example did occur at Burton Pidsea, in the Manor of Burstwick (ERRAS, DDCC(2)/80, Vol. 1747-61, p.226, 10 December 1760), when a cottage, '...is now taken into the hands of the lord for his own use being absolutely forfeited by reason the owner has committed waste...'. In this, and most other cases of escheat in Holderness, the property was quickly re-tenanted again as a copyhold on payment of a new entry fine. Holderness copyhold free tenants were described as being 'without impeachment of waste' and exercised a much greater freedom to manage their estates than copyholders in bondage.

Yeoman : Originally, English law defined a yeoman as a land owning freeholder. In 1781, Chambers stated that the yeomen were of, 'The first or highest degree among the plebians of England: next in order to the gentry ... The yeomen are properly the freeholders who had land of their own;'. Nevertheless, by the mid-eighteenth century the use of the term had widened considerably to include farming leaseholders and copyholders. This thesis has shown that the most commonly used description for a Holderness copyholder, working the land was 'yeoman'. By Victorian times 'yeoman' had also been used to describe certain craftsmen and even military groups became known as, 'yeomanry'. The legal profession and their writers on tenure e.g. Adkin, Kersley, Magarry and Topham, all studiously avoided the word. The subject is discussed in, J.V. Beckett, 'The Peasant in England: A Case of Terminological Confusion?', *Agricultural History Review*, Vol. 32, 1984, pp.113-123.

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